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PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

This document represents a compilation of Food Production Order 3¹ together with all announcements, amendments, supplementary orders, and interpretations issued thereunder. Some changes are also effected by this document; such changes are denoted by a notation at the end of each section which is changed. To the extent that any prior order of the Food Production Administration is inconsistent with this compilation, this document shall take precedence.

In view of the drastic limitation of production of new farm machinery and equipment, it is necessary in the general public interest that the distribution and use of new farm machinery and equipment be so controlled as best to promote the war effort. Accordingly, this Food Production Order 3, which establishes a procedure for effectuating that purpose, is issued.

Pursuant to the provisions of Executive Order 9280, issued on December 5, 1942 (7 F.R. 10179), and Executive Order 9322 (8 F.R. 3807) issued on March 26, 1943, by the President of the United States: *It is hereby ordered, That:*

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AUTHORITY: §§ 1202.201 to 1202.242, inclusive, issued under E.O. 9280, 9322, 7 F.R. 10179; 8 F.R. 3807.

DEFINITIONS

§ 1202.201 *Definitions.* When used in Food Production Order 3:

(a) "Administrator" means the War Food Administrator.

(b) "County farm rationing committee" means the county rationing committee heretofore established pursuant to § 1202.4 of Food Production Order 1 (7 F.R. 7301), as amended (which committees are to remain in full force and effect), or the committee established pursuant to § 1202.204 hereof.

(c) "State board" means a State U. S. D. A. War Board.

(d) "Director" means the Director of Food Production or, in his absence, the acting Director of Food Production.

(e) "Application" means an application for the purchase of Schedule I equipment.

(f) "Purchase certificate" means a certificate authorizing the purchase of Schedule I equipment.

(g) "Applicant" means a person who has filed an application with a county farm rationing committee or with a State board.

(h) "Manufacturer" means any person engaged to whatever extent in the business of making or assembling new farm machinery and equipment.

(i) "Distributor" means any person who accepts transfers of new farm machinery and equipment to the extent that such transfers are accepted for the purpose of making further transfers other than for use.

(j) "Dealer" means any person, whether principal or agent, engaged to whatever extent in the transferring of new farm machinery and equipment for use.

(k) "Type of equipment" means any general class of equipment, such as tractors, combines, grain drills, etc.

(l) "Persons" means any individual, partnership, corporation, association, or any other organized group of "persons" and shall include any agent, agency, or any "person" acting for or on behalf of any of the foregoing. The term "person" shall also include the United States or any agency thereof, and a State or

any political subdivision or agency thereof.

(m) "Transfer" means any actual or purported act or transaction, whether or not evidenced by writing, the purpose, intent, or effect of which is to create, surrender, release, change, or alter, directly or indirectly, any right, title, interest, or possession with respect to any new farm machinery and equipment and, without limitation upon the foregoing, shall include the making, execution, or delivery of any bill of sale, chattel mortgage, receipt, agreement, contract, certificate, gift, loan, lease, sale, barter, or exchange, the creation or transfer of any lien, the issuance, docketing, filing, or the levy of or under any judgment, decree, attachment, execution, or other judicial process or order. The use by a dealer or manufacturer of new farm machinery and equipment in farming operations shall be deemed a transfer. "Transfer" shall also include delivery of any new farm machinery and equipment from any person to any agent or agency of such person or the delivery thereof to any person acting on behalf of such person.

(1) Notwithstanding the foregoing, the following shall not be deemed to be transfers:

(i) The delivery of new farm machinery and equipment to a repairman, or to any other person, for the sole purpose of making repairs or adjustments.

(ii) The creation, surrender, release or alteration of any right, title or interest in new farm machinery and equipment which is done solely for the purpose of securing or releasing any obligation of the transferor: *Provided, however,* That the transferee may not acquire such new farm machinery and equipment except for purposes of making a transfer thereof pursuant to the provisions of this order.

(2) Notwithstanding the foregoing, the delivery of new farm machinery and equipment to a carrier for shipment or the delivery of new farm machinery and equipment by a carrier to a consignee shall not be deemed to be transfers to or by a carrier.

(n) "Farm machinery and equipment" means the agricultural machinery, mechanical equipment and implements which are listed in Schedule I of this order and, unless otherwise indicated in Schedule I, does not include such machinery and equipment unless it is for use on a farm. The term does not include attachments or repair parts, but no item of machinery and equipment listed in Schedule I shall be considered to be an attachment or repair part.

(o) "Attachment" for farm machinery and equipment means a supplementary appliance which may be added to an otherwise complete machine to extend the utility of such machine.

(p) "Schedule I equipment" means new farm machinery and equipment listed in Schedule I attached hereto and made a part hereof. The term includes all farm machinery and equipment except farm machinery and equipment transferred for use prior to the effective date of this order, or except farm machinery and equipment transferred for use pursuant to the provisions of this

order. Farm machinery and equipment transferred or used in violation of this order shall be deemed to be new farm machinery and equipment. New farm machinery and equipment imported into the United States shall become subject to this order upon its physical entry into the United States.

(q) "Notification" means the depositing of any notice in the United States mail addressed to the last known address of the person being notified, or the delivery in any other manner of written notice to such person, and whenever this order requires the computation of time after notification, such time shall be computed from the date on which such notice was so deposited in the United States mail or was so delivered to such person.

(r) "Mail order house" means any person engaged in the business of transferring farm machinery and equipment for use directly to transferees upon orders therefor received, primarily by mail, from such transferees.

[Above section as hereby amended]

ADMINISTRATION AND PERSONNEL

§ 1202.202 *Personnel.* The administration of the farm machinery and equipment rationing program established by this order and the powers conferred upon the Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director shall be assisted in the administration of the farm machinery and equipment rationing program by the State boards, the county farm rationing committees, and by such employees of the Department of Agriculture as he may designate and such employees are hereby authorized to administer the provisions of this order.

[Above section as hereby amended]

§ 1202.203 *Duties.* The county farm rationing committees, the employees designated by the Director to assist in the administration of this order, the State boards, and the Director shall have the duties and responsibilities prescribed in this order and such further duties and responsibilities as may be designated.

[Above section as hereby amended]

§ 1202.204 *County farm rationing committee.* (a) The county farm rationing committee shall consist of three regular members and two alternate members, none of whom shall be dealers. One of the regular members shall be the chairman of the county agricultural conservation committee, who shall be chairman of the county farm rationing committee. If the chairman of the county agricultural conservation committee is a dealer or, for any other reason, is unable to serve, the county U. S. D. A. war board shall select, as a member and chairman of the county farm rationing committee, a regular or alternate member of the county agricultural conservation committee who is not a dealer. The other two regular members and the two alternate members of the county farm rationing committee shall be appointed by the county U. S. D. A. war board, shall be farmers resident in

the county, and shall not be members of the county agricultural conservation committee. The regular and alternate members of the county farm rationing committee shall serve without compensation.

(b) An alternate member of the county farm rationing committee shall serve in case of illness or other indisposition of a regular member. No member of a county farm rationing committee shall take part in any committee action which involves the application of, or in any way effects, himself, any member of his immediate family, or other near relative, or his landlord, tenant, or business associate. An alternate member of the committee, not so disqualified, shall serve in such cases only if the disinterested members of the committee do not agree on the action to be taken.

(c) Any member of the county farm rationing committee may be removed after hearing by the State board. In case of such removal, the county U. S. D. A. war board shall fill such vacancy by appointment pursuant to the provisions of paragraph (a) hereof. If the member removed is a member or chairman of the county agricultural conservation committee, the vacancy shall be filled by the appointment of a qualified regular or alternate member of the county agricultural conservation committee.

(d) If a county farm rationing committee determines that for any reason it cannot satisfactorily perform its duties and functions under this order and that such duties and functions could be more satisfactorily performed with the assistance of a subcommittee controlling a smaller geographical area, it may apply to the State board for permission to establish a county farm rationing subcommittee. If the State board determines under all the circumstances that such action would be in the best interest of the new farm machinery and equipment rationing program, it may authorize the county U. S. D. A. war board for such county to appoint a subcommittee consisting of two regular and two alternate members, all of whom shall be farmers, and a third member who shall be a member of the county agricultural conservation committee. All of such regular and alternate members shall be qualified under paragraph (a) hereof. The member of the county agricultural conservation committee shall be the chairman of such subcommittee. The State board shall designate the area in such county to be served by the county farm rationing committee and the area to be served by the subcommittee. The county farm rationing committee shall allocate from its quotas of each type of Schedule I equipment the numbers of units which shall be available for rationing by the subcommittee. Any subcommittee appointed under this paragraph shall act as if it were the county farm rationing committee within the area designated and the procedures in this order applicable to the county farm rationing committee shall be applicable to any such subcommittee. Appeals from any action of such subcommittee shall be made

pursuant to this order, and shall, after being filed with the sub-committee, be made directly to the State board.

(e) If the State board determines for any reason that it is desirable in the best interests of the farm machinery and equipment rationing program that a county farm rationing committee for a particular county be given jurisdiction over one or more other counties in the administration of this order, the State board may designate such county farm rationing committee to administer the provisions of this order for such other county or counties, and it shall abolish any county farm rationing committee heretofore established for such other county or counties. Before a State board takes any action authorized by this paragraph, it shall obtain the approval of the Director.

(f) The county farm rationing committee for Montgomery County, State of Maryland, shall administer the provisions of this order for the District of Columbia.

[Above section as hereby amended]

RESTRICTIONS

§ 1202.205 *Restrictions of transfers.* Regardless of the terms of any contract of sale or purchase, or other commitment, whenever made, no person shall transfer or accept a transfer of any Schedule I equipment except pursuant to the provisions of this order.

SCHEDULE I: EQUIPMENT QUOTAS AND ALLOCATIONS

§ 1202.206 *Establishment of quotas.* (a) The Director may, from time to time, establish State quotas providing for the maximum number of units of each type of Schedule I equipment for the transfer of which purchase certificates may be issued. State and county quotas and State reserves, if any, may be altered or revoked in the discretion of the Director.

(b) The Director may withhold a portion of each State quota of Schedule I equipment as a national reserve to be administered by him for the making of such adjustments as he may deem necessary pursuant to § 1202.210. The State boards may also withhold a portion of each State quota of Schedule I equipment as a State reserve to be administered by the State board of each such State for the purpose of making necessary adjustments of Schedule I equipment quotas for the counties within the State.

[Above section as hereby amended]

§ 1202.207 *Allotment of quotas to county farm rationing committees.* The Director shall forward to each State board the Schedule I equipment quotas applicable to each such State. The State board shall then establish and forward to each county farm rationing committee the Schedule I equipment quotas, if any, applicable to each such county. No county farm rationing committee shall issue a purchase certificate for the transfer of any type of Schedule I equipment in excess of its quota of such Schedule I equipment. Prior to the

establishment of a county quota of any type of new farm machinery and equipment in Schedule I, the county farm rationing committee shall not issue any purchase certificates for such type of Schedule I equipment unless the Director or the State board has announced that no quotas will be presently established for such type of Schedule I equipment and has announced the cancellation of previously established quotas, if any, for such type of Schedule I equipment: *Provided, however*, That if the Director thereafter establishes State quotas for any such type of Schedule I equipment, no county farm rationing committee shall, thereafter, issue purchase certificates for transfer of such equipment in excess of its quota.

[Above section as hereby amended]

§ 1202.203 *Request for adjustment of quotas to cover special situations.* Where a county farm rationing committee believes that the current agricultural need requires that it issue a purchase certificate for the transfer of any Schedule I equipment, but is unable to issue such a purchase certificate because its quota of such Schedule I equipment has been exhausted, the county farm rationing committee may make a request to the State board to increase the county quota of such Schedule I equipment by filing a written request with the State board setting forth the full facts of the case. The State board in its discretion may draw upon its State reserve, if any, to augment such quota for the county as it deems necessary.

§ 1202.209 *General authority of State boards over quotas.* A State board itself shall not issue purchase certificates except as provided in § 1202.213 or except pursuant to instructions or regulations issued by the Director, but may add a specific number of units of Schedule I equipment to the quota of a county for which the county farm rationing committee may then issue purchase certificates. However, a State board shall not increase a county quota in excess of the then existing reserve for such State nor shall the State board grant authority to a county farm rationing committee to exceed that county's then existing quota.

§ 1202.210 *Adjustment of State quotas by the Director.* The Director may draw upon the national reserve, if any such reserve is established pursuant to paragraph (b) of § 1202.206, to adjust the quotas of the different States, or may authorize the transfer from such reserve of Schedule I equipment to specific persons or localities. A State board may request an allotment from any such national reserve withheld by the Director to augment a State reserve, if any, held under such board's control. Any such request shall be accompanied by a statement setting forth in full the facts giving rise to such request.

[Above section as hereby amended]

DISTRIBUTION ORDERS AND REGULATIONS

§ 1202.212 *Shipment of new farm machinery and equipment.* (a) No manufacturer, distributor, mail order house, dealer or other person shall transfer or physically move (unless for purposes of

storage within the county in which such equipment is located) any Schedule I equipment except pursuant to this order or to other orders or regulations issued by the Administrator or the Director, which orders or regulations shall be added to and become part of this Food Production Order 3: *Provided, however*, That the persons designated in subparagraphs (1), (2) and (3) of this paragraph (a) may transfer the machinery and equipment designated in said subparagraphs.

(1) Any dealer may transfer any Schedule I equipment from stocks which it had on hand at the close of business October 31, 1942.

(2) Any manufacturer may transfer Schedule I equipment from its stocks in its branch houses, transfers, and with transfer agents, and from its stocks on consignment with dealers or education institutions: *Provided*, That such equipment at the close of business October 31, 1942, was in the physical possession of such manufacturer in stocks in its branch houses, transfers, or with transfer agents, or was in the physical possession of a dealer or educational institution to which such equipment had been consigned by such manufacturer, or such equipment had been consigned to such manufacturer's stocks in such manufacturer's agencies described herein, and such equipment was at the close of business October 31, 1942, in the hands of a carrier for delivery to such manufacturer's stocks in such manufacturer's agencies described herein.

(3) Any distributor or any mail order house may transfer Schedule I equipment: *Provided*, That such equipment at the close of business October 31, 1942, was in the physical possession of such distributor or such mail order house or had been consigned to such distributor or to such mail order house and was at the close of business October 31, 1942, in the hands of a carrier for delivery to such distributor or to such mail order house.

The authority granted by this paragraph (a) of this § 1202.212 shall not be deemed to authorize any manufacturer, distributor, mail order house or dealer to transfer any machinery and equipment which was or is manufactured under War Production Board Order L-170 or which was in manufacturer's factory and plant stocks at the close of business October 31, 1942, nor shall it be deemed to authorize the transfer of any Schedule I equipment for use except pursuant to a purchase certificate.

(b) The Director is hereby authorized, in effectuating the rationing program established by this order, to issue orders and to issue amendments hereto which he deems proper to the successful distribution of any type of Schedule I equipment. Orders issued by the Director under the authority of this paragraph (b) shall be deemed to be a part of this Food Production Order No. 3.

[Above section as hereby amended]

FLUID MILK SHIPPING CONTAINERS AND COVERS

§ 1202.213 *Special provisions for fluid milk shipping containers and covers.*

(a) The State boards shall act as the county farm rationing committees in the rationing of new fluid milk shipping containers and covers to dairies and farmers' cooperatives which operate in two or more counties or in a county in which there is no county farm rationing committee established. Applications for the above shall be received by the State boards and the State boards shall act upon such applications as if they were the county farm rationing committees and follow the procedures established in this order for county farm rationing committees. Pursuant to such applications the State boards may issue purchase certificates. The State boards shall not issue purchase certificates in any other cases unless specifically so authorized by the Director pursuant to § 1202.209.

(b) The procedure established by this order for appeals from the county farm rationing committees shall be followed in appealing from the action of a State board acting pursuant to this section, except that an applicant shall file with the State board a written appeal to the Director from such action.

(c) Any State board acting pursuant to this section shall keep the same records required of a county farm rationing committee.

(d) Any State board may designate one or more areas within its State and may appoint a committee to be responsible for the execution of the provisions of this section in each such area. If such committees are designated, they shall consist of three regular members and three alternate members, all to be appointed by the State board. One member, who shall be chairman, shall be a representative of the Food Distribution Administration, preferably the milk market administrator, within the designated area; one member shall be a member of a farmers' milk cooperative association within the designated area; and one member shall be affiliated with a dairy company within the designated area. Each alternate shall be qualified in the same manner as the member for whom he is alternate. If any of the above interests are not represented within the designated area, then in lieu of a representative of such interest the State board shall appoint a person resident within the designated area who does not represent any of such interests. Both regular and alternate members shall serve without compensation. Any committee appointed under this paragraph (d) shall, in rationing new fluid milk shipping containers and covers, operate in accordance with the provisions of this section relating to State boards, except that appeals from the action of such committee shall be filed with the committee and shall be first made to the State board.

(e) For the purposes of this order, the words "fluid milk shipping containers and covers" or the words "milk cans and covers" shall not refer to milk can covers which are transferred apart from the cans, but shall refer to milk cans trans-

ferred apart from the covers as well as to milk cans and covers transferred as units.

[Above section as hereby amended]

TRANSFERS OF SCHEDULE I EQUIPMENT WITHOUT PURCHASE CERTIFICATES

§ 1202.214 *Government agencies; exports; non-farm use.* (a) Any Federal government agency desiring any Schedule I equipment, any person desiring to acquire Schedule I equipment for export from and consumption or use outside the continental United States and any person desiring to acquire for non-farm use any Schedule I equipment may acquire such Schedule I equipment without purchase certificates provided there is compliance with any and all applicable regulations of the War Production Board. The provisions of this paragraph (a) do not apply to any item of Schedule I equipment which is rationed or otherwise allocated under this order for both farm and non-farm use.

(b) No Federal government agency desiring any Schedule I equipment or person desiring to acquire Schedule I equipment for export from and consumption or use outside the continental United States may acquire Schedule I equipment which is rationed or otherwise allocated under this order for both farm and non-farm use, unless such person applies to the Director for authority to acquire such equipment and is granted such authority pursuant to the provisions of § 1202.232.

[Above section as hereby amended]

§ 1202.215 *Persons eligible to transfer Schedule I equipment only for purposes of resale or experimentation.* (a) The following persons are eligible to transfer or to accept a transfer without purchase certificates of Schedule I equipment authorized for distribution pursuant to this order: Dealers, mail order houses, distributors, or manufacturers, or their legal successors in interest (including but not limited to heirs, devisees, successors, assigns, trustees in bankruptcy, receivers, persons distraining, levying by execution, attachment, or similar forms of judicial process, or persons repossessing or taking by default). Such transfers shall be for the purpose only of making further transfers in accordance with this order.

(b) Any manufacturer may make a transfer and any person may accept a transfer of Schedule I equipment without a purchase certificate provided such transfer (1) is of machinery and equipment manufactured by such manufacturer; (2) is for the primary purpose of experimentation and not for the purpose of agricultural production; (3) is in accordance with such manufacturer's previous usual practice of conducting experiments with new farm machinery and equipment manufactured by him; and (4) is made without consideration from the transferee. As soon as the experimental use is completed, the machinery and equipment shall be retransferred to the manufacturer. Such machinery and equipment shall be deemed new farm machinery and equipment even

though it is repaired or rebuilt by the manufacturer, until it is sold for use pursuant to a purchase certificate.

[Above section as hereby amended]

STANDARDS OF USE

§ 1202.216 *Establishment of standards of use.* The Director may, from time to time, establish standards of use for each type of Schedule I equipment. Such standards may differ from State to State and from county to county. The county farm rationing committees and all persons concerned in the administration of this order shall, in any action on applications for purchase certificates, be guided by such standards of use as may be prescribed for the various types of Schedule I equipment for the State and county in which such applications for purchase certificates are made.

PERSONS ELIGIBLE TO ACQUIRE SCHEDULE I EQUIPMENT

§ 1202.217 *Proof of necessity.* A person may obtain a purchase certificate and a county farm rationing committee may issue such a purchase certificate only if such person:

(a) Establishes the following facts to the satisfaction of the county farm rationing committee:

(1) That such person's present machinery and equipment cannot handle the production or increased or new production planned and required as a contribution to the current agricultural need;

(2) That such person cannot meet his machinery and equipment needs by repairing his old machinery and equipment, by purchasing or renting used machinery and equipment, by custom work, by exchange of work or machinery and equipment, or by any other means;

(3) That failure to approve the application would result in a substantial reduction in the production of crops or commodities essential to the war effort;

(4) That, if such person desires to change from horse-power or mule-power to motor power or from hand labor to machinery, he has a good and sufficient reason for making such change; and

(b) Satisfies the county farm rationing committee that the following agreements have been or will be executed in good faith:

(1) An agreement to turn in to the dealer, or to whomever the county farm rationing committee may designate, for rebuilding or for salvage of all usable parts, or for scrap, the machinery and equipment which he proposes to replace, unless such person furnishes the county farm rationing committee with satisfactory evidence that some other disposition of the worn-out machinery and equipment would better serve the national interest, or that no such disposition thereof is possible;

(2) An agreement with the United States to rent, or do custom work with, or let others use the new farm machinery and equipment on such terms and conditions as the county farm rationing committee may deem necessary;

(3) An agreement with the United States to use the new farm machinery and equipment in accordance with the

agreements and statements made in his application for such new farm machinery and equipment, and to comply with or conform to any other agreements and statements made in his application; and the further agreement that, if the county farm rationing committee determines after a hearing that he has failed to comply with or conform to such agreements and statements, or that he has made a false statement in preparing his said application, or that any statement or agreement appearing in said application was not made in good faith, (i) he will not object to the entry of a judgment or decree compelling him to comply with or conform to such agreements and statements, or (ii) he will rent or sell such farm machinery and equipment to such person or persons as the county farm rationing committee may designate, upon such terms and at such rental or sales prices as such applicant and such county farm rationing committee may agree upon, or in case of disagreement, upon such terms and at such rental or sales price as may be agreed upon by a majority of arbiters, one to be appointed by the applicant, one to be appointed by the county farm rationing committee and a third to be appointed by such two arbiters; if such applicant refuses to appoint an arbiter, the rental or sales price shall be that fixed by the arbiter appointed by the county farm rationing committee.

[Above section as hereby amended]

APPLICATIONS BY PERSONS FOR SCHEDULE I EQUIPMENT AND NOTIFICATIONS

§ 1202.218 *Applications for certificates to purchase Schedule I equipment.* (a) Any person who believes that he is entitled under this order to Schedule I equipment may file with the county farm rationing committee for the county in which such Schedule I equipment is to be principally used an application for a certificate to purchase such Schedule I equipment. Such application shall be filed on Form MR-20. The applications for the Schedule I equipment referred to in § 1202.213 shall be filed on Form MR-20 with the State board for the State in which such Schedule I equipment is to be principally used.

(b) If, pursuant to § 1202.207, the Director or the State board has announced that no quotas will be presently established for any type of Schedule I equipment, an application for such type of Schedule I equipment shall, in addition to filing the application mentioned in paragraph (a) hereof, certify in writing to the county farm rationing committee that he has located a dealer or a mail order house which he has good reason to believe will transfer to him, if he is granted a purchase certificate, the Schedule I equipment for which application is made. If such purchase certificate is granted and is presented to such dealer or mail order house, it shall be promptly returned to the issuing county farm rationing committee if delivery of the farm machinery and equipment described in the purchase certificate is not made within a reasonable time.

[Above section as hereby amended]

§ 1202.219 *Preparation of application*—(a) *Forms*. Copies of Form MR-20 may be obtained from any State board, from any county farm rationing committee or from any dealer.

(b) *Contents*—(1) *Name of applicant*. The applicant shall state his name as provided in the instructions on Form MR-20.

(2) *Addresses*. The applicant shall state the mailing address of his residence or principal place of business or office and the telephone number thereof, if any.

(3) *Separate applications*. A separate application shall be filed for each type of Schedule I equipment.

(4) *Agreements*. The agreements specified in § 1202.217 (b) (1), (2), and (3) shall be incorporated in each application and the applicant's execution of the application shall also constitute his execution of such agreements.

(5) *Execution by applicant*. The applicant shall certify the facts stated in the application and shall sign the agreements contained therein in the manner and form provided therefor on Form MR-20.

§ 1202.220 *Action by the county farm rationing committee on application*. Before granting an application for a purchase certificate for Schedule I equipment, the county farm rationing committee shall satisfy itself that the applicant has properly executed his application, that all the facts stated in the application are true, and that the applicant has satisfied all the pertinent requirements and conditions specified by this order.

§ 1202.221 *Basis for county farm rationing committee determinations*. (a) The county farm rationing committee shall at all times serve the objectives sought by the new farm machinery and equipment rationing program and allocate Schedule I equipment only for uses essential to the war effort and then in the order that such uses are most vital. The determination of facts in each case shall be made by the county farm rationing committee upon the basis of the application and all other information which comes to its knowledge. In acting upon applications, it shall observe all pertinent provisions of this order as originally issued and as subsequently amended. The county farm rationing committee may in its discretion request the applicant, or his authorized representative, to appear in person at a designated time and place to answer pertinent questions. If an applicant shall refuse to permit the county farm rationing committee or its authorized representatives to make such inspection of his farm and farm machinery and equipment as it deems necessary, his application shall be denied forthwith. The county farm rationing committee should attempt, insofar as practicable, to have before it all applications for each type of Schedule I equipment before it issues any purchase certificates for each such type of Schedule I equipment.

(b) No purchase certificate shall be issued to any applicant for any type of Schedule I equipment for which the Di-

rector or the State board has announced that no quotas will be presently established, unless such applicant has filed with the county farm rationing committee the certification required by § 1202.218 (b) and unless the county farm rationing committee is convinced that said certification has been made in good faith.

[Above section as hereby amended]

§ 1202.222 *Notation of action*. When the county farm rationing committee determines that an application shall be granted, at least two members thereof shall place their initials after the word "Approved" on Form MR-20. If the county farm rationing committee determines that an application should be granted in part only, a notation showing the part granted, initialed by at least two members of the county farm rationing committee, shall be made on Form MR-20. If the county farm rationing committee determines an application should be denied, at least two members thereof shall place their initials after the word "Disapproved" on Form MR-20.

§ 1202.223 *Notification*. After acting upon an application, the county farm rationing committee shall notify the applicant of its decision. If the application is denied, in whole or part, the reasons therefor shall be set forth on Form MR-21. The original of such form shall be given or mailed to the applicant, and a copy shall be attached to the application, which shall be filed systematically in the office of the county farm rationing committee.

[Above section as hereby amended]

CERTIFICATES FOR PURCHASE OF SCHEDULE I EQUIPMENT

§ 1202.224 *Form of certificate*. (a) In cases in which the county farm rationing committee authorizes an applicant to purchase Schedule I equipment, it shall immediately issue to the applicant a purchase certificate for the transfer of such Schedule I equipment. The certificate shall be issued on Form MR-22. All purchase certificates shall be non-transferable. Such certificates, which shall be prepared in triplicate, shall be numbered serially and all numbers shall be accounted for and the serial number of each certificate shall be placed upon the appropriate application. The original and one copy of the certificate shall be given or mailed to the applicant and the remaining copy shall be attached to the application. Each purchase certificate shall show the date of its issuance and expiration, or any extension thereof. The county farm rationing committee shall use its discretion in setting an expiration date for a purchase certificate, but such expiration date shall not be earlier than 10 days or later than 60 days after the issuance of the purchase certificate.

(b) A county farm rationing committee may, before delivery to the applicant of Schedule I equipment described in a purchase certificate issued by it, cancel such purchase certificate if such committee determines that the applicant had made a misrepresentation in his application or in any other matter properly before said committee, or that

the applicant will be unable to fulfill the statements and agreements made by him in his application or purchase certificate. A county farm rationing committee may also cancel a purchase certificate before the expiration date thereof if it determines that the person to whom the purchase certificate was issued has had a reasonable opportunity to purchase the machinery and equipment described in such purchase certificate, but that such person has failed to purchase such machinery and equipment.

(c) The Director may, in his discretion, authorize county farm rationing committees to issue purchase certificates for limited amounts of any type of new farm machinery and equipment to dealers as agents for the persons who purchase such new farm machinery and equipment in small amounts. Such persons, when they purchase such machinery and equipment, shall comply with any requirements established by the Director for such purchases.

[Above section as hereby amended]

§ 1202.225 *Execution by issuing county farm rationing committee*. It shall be the responsibility of the county farm rationing committee, prior to the issuance of a purchase certificate, to insert on the original and each copy thereof the information designated thereon to be filled in by the county farm rationing committee. No certificate shall be valid unless signed by at least one member of the county farm rationing committee.

§ 1202.226 *Action by purchaser*. (a) Upon receiving the purchase certificate executed as provided in § 1202.225, the applicant shall sign the purchase certificate and copy thereof, thereby executing the agreements contained therein. The applicant may then purchase the Schedule I equipment specified in the purchase certificate, at a price not in excess of the maximum price therefor established by the Office of Price Administration.

(b) The applicant shall at the time of purchase present to the dealer the original purchase certificate and copy thereof in the form in which they were given to him by the county farm rationing committee except for the addition of his signature.

§ 1202.227 *Expiration of purchase certificates*. Transfer (as used in this section "transfer" shall include but shall not be limited to delivery) of any Schedule I equipment authorized by a purchase certificate must be made on or before the expiration date named in such purchase certificate. Such purchase certificate shall be void if transfer is not made before the expiration date and any transfer made after such expiration date shall be invalid. Any person who has been granted a purchase certificate pursuant to this order may, before the expiration date, apply to the county farm rationing committee for an extension of such date. If, under all the circumstances, the county farm rationing committee determines that the expiration date should be extended, the county farm rationing committee shall extend the expiration date. An extension shall not be

granted for more than a 30-day period at any one time. The original and the copy of the purchase certificate must be presented to the county farm rationing committee in order that the extended expiration date may be noted thereon before any transfer is made. If, after 5 days from the expiration date of any purchase certificate, the original of such purchase certificate has not been returned to the issuing county farm rationing committee, such issuing county farm rationing committee shall make inquiry of the applicant and determine whether or not transfer was made pursuant to such purchase certificate before the expiration date thereof. If such transfer has not been so made, the issuing county farm rationing committee shall require the applicant or the dealer, if he has possession of such purchase certificate, to return the original and copy thereof to the issuing county farm rationing committee. It shall be the duty of the county farm rationing committee, at the end of 5 days after the expiration date of a purchase certificate, to cancel upon its books such purchase certificate if the Schedule I equipment covered by such purchase certificate has not been delivered to the transferee before such expiration date. The county farm rationing committee shall make such cancellation regardless of the return of the outstanding original and copy of said purchase certificate.

[Above section as hereby amended]

§ 1202.228 *Action by dealer.* (a) Upon the surrender to him of a purchase certificate and copy thereof, the dealer shall ascertain that the original and copy have been properly signed by the purchaser and shall not honor such certificate unless it and the copy are so signed. If the dealer so desires, he may forward the certificate to his supplier, but if the machinery and equipment covered by such certificate is to be delivered to the purchaser by the dealer, the certificate shall be returned by the supplier to the dealer and immediately upon delivering Schedule I equipment pursuant to a purchase certificate surrendered to him, the dealer shall sign and date the certificate and copy thereof in the space provided, and shall thereupon mail the original of such purchase certificate to the issuing county farm rationing committee or the issuing State board. If delivery of the Schedule I equipment specified in any such purchase certificate is not made before the expiration date specified on such purchase certificate, the dealer shall, immediately following such expiration date, return the original and the copy of such purchase certificate to the issuing county farm rationing committee or the issuing State board.

(b) If the dealer receives an order for Schedule I equipment which he does not have in stock and wishes a distributor or manufacturer to make delivery directly to the transferee, he shall, as provided for in paragraph (a) of this section, ascertain the regularity of the purchase certificate and shall then forward the certificate, along with his order for the machinery and equipment,

to the person who is to make the delivery. Such person shall execute the purchase certificate and forward the original thereof to the issuing county farm rationing committee or issuing State board. If delivery of the Schedule I equipment specified in any such purchase certificate is not made before the expiration date specified on such purchase certificate, such person shall forward the original and copy thereof to the issuing county farm rationing committee or issuing State board, as provided for the dealer in paragraph (a) of this section.

[Above section as hereby amended]

APPEALS

§ 1202.229 *Appeal to State board.* (a) Any applicant for Schedule I equipment who has good reason to believe that the ruling of the county farm rationing committee on his application is not in accordance with the provisions of this order may, within 15 calendar days after written notification of such ruling, file with the county farm rationing committee a written appeal to the State board from such ruling.

(b) The applicant shall include in such appeal a statement in writing, setting forth the specific reasons why he believes the action taken by the county farm rationing committee was not in accordance with this order, stating the portion or portions of this order upon which he relies, and stating in full the facts upon which his appeal is based.

(c) Within 7 calendar days after receiving a written appeal to the State board, the county farm rationing committee shall transmit such appeal to the State board, along with a statement of the reasons for which the application was denied, except that if the county farm rationing committee, within such 7 day period, reconsiders such application and determines that the appeal shall be granted, it shall not transmit such appeal to the State board, but shall immediately issue a purchase certificate to the applicant in accordance with the provisions of this order.

[Above section as hereby amended]

§ 1202.230 *Action by the State board.* (a) The State board may require the county farm rationing committee or the applicant to furnish pertinent information in addition to that furnished before the county farm rationing committee with respect to the appeal pending before such board. The State board may affirm, reverse, or modify the ruling of the county farm rationing committee. The action of the State board shall in all respects be in accordance with the provisions of this order.

(b) The State board's decision shall be made as soon as is reasonably possible (in any event not later than 15 calendar days after the State board has received such appeal), shall be in writing, and notification thereof shall be given to the applicant and to the county farm rationing committee. If the State board reverses or modifies the ruling of the county farm rationing committee, it shall promptly mail a copy of its decision to the Director of Food Production,

Department of Agriculture, Washington, D. C.

[Above section as hereby amended]

§ 1202.231 *Review of State board action.* If an applicant has good reason to believe that the decision of the State board on his appeal is not in accordance with the provisions of this order, he may, within 15 calendar days after notification thereof, file with the State board a written petition for review by the Director. The State board shall promptly transmit such petition to the Director at the address set forth in § 1202.230 (b) hereof. Such written petition shall be dated and signed by the applicant, shall be made under oath, and shall set forth the specific reasons why he believes the decision of the State board is not in accordance with the provisions of this order, and the portion or portions of this order upon which he relies. The Director may require the furnishing of pertinent information by the applicant, the county farm rationing committee, or the State board. He may affirm, reverse, or modify the decision of the State board, and he may remand the matter to the county farm rationing committee. The decision of the Director shall be in writing and shall be communicated to the applicant, to the county farm rationing committee, and to the State board, and shall be final and conclusive.

[Above section as hereby amended]

§ 1202.232 *Other appeals.* Any person seeking relief of a type not provided for in this order may file with the Director a written statement of the relief which he seeks and the reasons why he believes he is entitled to such relief. The Director may grant such relief; *Provided*, That it does not defeat or impair the effectiveness of the rationing program established by this order; and, *Provided further*, That the granting of similar relief to all persons in like circumstances would not hinder the rationing program. The decision of the Director shall be in writing and shall be final.

[Above section as hereby amended]

RECORDS

§ 1202.233 *Records to be kept by the county farm rationing committee.* (a) All applications for Schedule I equipment, and papers relating thereto, received by the county farm rationing committee, shall be systematically filed in its office. Records shall be kept by the committee of such pertinent and material data as may be required by the Director. The purchase certificates returned by dealers shall be attached to the respective applications.

(b) Lists containing the names and addresses of applicants who have been granted purchase certificates and the Schedule I equipment covered by each respective certificate shall be available for public inspection in the office of the county farm rationing committee and shall be made available for publication.

(c) Data from all purchase certificates issued by the county farm rationing committee shall be kept for each type of Schedule I equipment on Form MR-23,

Register of Nontransferable Certificates for Purchase of New Farm Machinery and Equipment.

[Above section as hereby amended]

§ 1202.234 *Records and reports by dealers and others.* (a) (1) Each dealer transferring any item of Schedule I equipment with a selling price of \$15.00 or more, for which there is a manufacturer's suggested retail price, shall prepare a copy of the itemized invoice required by § 1361.5 of Maximum Price Regulation No. 133 (7 F.R. 3185; 8 F.R. 234) of the Office of Price Administration and shall forward such copy of said invoice or sales check to the issuing county farm rationing committee or issuing State board, along with the original of the purchase certificate. Such invoice or sales check shall contain a separate statement of the following items:

- (i) The manufacturer's suggested retail price, f. o. b. factory.
- (ii) The charge, if any, for freight and manufacturer's or wholesale distributor's handling.
- (iii) The charge, if any, for dealer's handling or for special installation.
- (iv) The charge, if any, for delivery beyond the 30-mile zone.
- (v) The amount of excise tax, if any, billed separately to the dealer by the manufacturer.
- (vi) The amount of sales, use, or gross receipts tax, if any, required or permitted to be paid.

In addition such invoice or sales check shall disclose a complete description of the farm machinery and equipment transferred pursuant to the purchase certificate, including the name of the manufacturer and the manufacturer's model number.

(2) Each dealer transferring any item of Schedule I equipment with a selling price of \$15.00 or more, for which there is no manufacturer's suggested retail price, and each retail store of a mail order house transferring any item of Schedule I equipment with a selling price of \$15.00 or more, shall prepare a copy of an invoice or sales check containing the sales price and a complete description of the machinery and equipment transferred pursuant to the purchase certificate, and shall forward such copy of said invoice or sales check to the issuing county farm rationing committee or issuing State board, along with the original of the purchase certificate.

(3) Mail order houses transferring through mail order channels any item of Schedule I equipment with a selling price of \$15.00 or more, shall transmit along with the original purchase certificate a true statement to the effect that the price for which the farm machinery and equipment was sold by such mail order house was not in excess of the price published for such machinery and equipment in the mail order house's latest current catalog. This statement may be stamped on the purchase certificate.

(b) Each dealer shall maintain for at least two years a file containing the copies of all purchase certificates, issued on Form MR-22, which are accepted by such dealer.

(c) Each manufacturer, mail order house, distributor and dealer shall make such reports and furnish such information as may be required from time to time by the Administrator, the Director or other persons or agencies designated herein to assist in the administration of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(d) (1) Each manufacturer shall keep records disclosing a description of the Schedule I equipment transferred by him and also disclosing the persons to whom such equipment was transferred and such persons' addresses. Such records need not be kept on a specified form, but may be kept in any manner which best meets the business practices of the persons affected, as long as the records disclose the information required by this paragraph. Such records shall be maintained for at least two years.

(2) In connection with Schedule I equipment for which tags are required by this order, each manufacturer, mail order house, distributor, and dealer shall keep records disclosing the information required to be kept by manufacturers in subparagraph (1) of this paragraph (d) and shall also keep records disclosing the counties and States for which Schedule I equipment transferred by them was directed by the tag affixed thereto for transfer for use. Such records shall be maintained for at least two years.

(e) Any person required by this Food Production Order No. 3, or any supplement or amendment hereto, to maintain records of any kind shall permit duly authorized representatives of the Department of Agriculture to audit and inspect such records and to inspect inventories of farm machinery and equipment held by such person.

(f) The record keeping and reporting requirements in this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[Above section as hereby amended]

ENFORCEMENT

§ 1202.235 *Criminal prosecution.* (a) any person who knowingly falsifies an application, purchase certificate, certification, or any other record included within the terms of Food Production Order No. 3, or any amendments or supplements thereto, or who otherwise knowingly furnishes false information with regard to any matter covered by this order to a county farm rationing committee, State board or to any other agent, agency, employee, or officer of the Department of Agriculture, may, upon conviction, be fined not more than \$10,000 or be imprisoned for not more than 10 years, or both, and shall in addition be subject to the penalties therefor under any and all applicable laws.

(b) Any person who wilfully commits any act prohibited, or who wilfully fails to perform any act required, by any provision of Food Production Order No. 3, or any amendments or supplements thereto, may, upon conviction, be fined not more than \$10,000 or be imprisoned for not more than one year, or both, and

shall in addition be subject to the penalties therefor under any and all applicable laws.

(c) Any person who conspires with another person to perform any of the acts described in paragraphs (a) and (b) of this section may, upon conviction, be fined not more than \$10,000, or imprisoned for not more than two years, or both, and shall in addition be subject to the penalties therefor under any and all applicable laws.

§ 1202.236 *Suspension orders.* (a) Any person who violates any provision of Food Production Order No. 3, or any amendment or supplement thereto, or any agreement thereunder, may by administrative suspension order be prohibited from receiving any deliveries of or selling or otherwise disposing of or using any materials now or hereafter authorized to be rationed or allocated by the Administrator, including farm machinery and equipment rationed under this order. Such suspension orders shall be issued by the Administrator, or by such persons as he may designate, and shall be effective for such period as is deemed necessary or appropriate in the public interest and to promote the security of the United States.

(b) The Director may recommend to the Office of Price Administration, the War Production Board, or any other government agency, that any person who violates any provision of Food Production Order No. 3, or any amendment or supplement thereto, or any agreement thereunder, be denied the right to receive, use, sell, or otherwise dispose of any other materials which now or in the future may be under allocation.

[Above section as hereby amended]

§ 1202.237 *Other methods of enforcement.* The Director may also take such other action for enforcement of the provisions of this order, or any amendment or supplement thereto, as he may deem necessary.

[Above section as hereby amended]

§ 1202.238 *Publicity.* In the event of a refusal or failure to abide by any provision of this order, or any amendment or supplement thereto, or in the event of any evasion or attempt to evade any provision of this order, or any amendment or supplement thereto, the Director, in addition to the foregoing shall make every effort to insure that complete information concerning the same is given to the public and to the appropriate officials of local, State and Federal governments.

§ 1202.239 *Complaints of violations.* Any person having knowledge of a violation of any provision of this order, or any amendment or supplement thereto, shall report the same to the county farm rationing committee, the State board, the Director, or the Administrator. An official or employee of the office to which the report is made shall take such information as is given, securing the signature of the person so reporting, if possible, and transmit the report, together with such pertinent information as may be then available, to the Director through the State boards.

[Above section as hereby amended]

SCOPE AND APPLICATION OF FOOD PRODUCTION
ORDER 3

§ 1202.240 *Territorial limitation.* Food Production Order 3 shall apply only within the limits of the continental United States.

FOOD PRODUCTION ORDERS 1 AND 2

§ 1202.241 *Effect on Food Production Orders 1 and 2.* Food Production Order 1, insofar as it is applicable to the continental United States, and Food Production Order 2 are superseded by Food Production Order 3: *Provided, however,* That Food Production Order 1 and Food Production Order 2 shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution, or administrative or other proceedings heretofore or hereafter commenced with respect to any violation committed or right or liability incurred under or pursuant to the terms of such orders.

[Above section as hereby amended]

INCORPORATION OF SCHEDULE I

§ 1202.242 *Schedule I.* The provisions of Schedule I shall be deemed to be a part of this Food Production Order 3.

[Above section as hereby amended]

Issued this 6th day of May 1943.

[SEAL]

CHESTER C. DAVIS,
War Food Administrator.

SCHEDULE I

For the convenience of any person reading this order, the number or numbers assigned to any item of Schedule I equipment by War Production Board Order L-170 (8 F.R. 4406) are indicated in this Schedule I. Such numbers are not necessarily controlling but will serve as an indication of the machinery and equipment which is rationed under this order. Certain items of Schedule I equipment, as for example pressure cookers and milk cans and covers, are not produced under War Production Board Order L-170; in such cases the appropriate War Production Board Order number is indicated.

A. The Director has announced and does hereby announce that no quotas will be presently established for Schedule I equipment listed in this Part A of Schedule I and has authorized and does hereby authorize manufacturers to transfer such equipment for resale without restriction, unless otherwise provided below, as to the areas in which, or the persons to whom, such equipment shall be sold. Manufacturers shall withhold in their distribution of such equipment the percentages of their production of such equipment authorized by pertinent War Production Board orders, which percentages are designated to be withheld in the subparagraphs of this Part A. No manufacturer shall physically move or transfer (unless for purposes of storage in the county in which such equipment is located) Schedule I equipment not authorized by the Director to be distributed.

No transfer for use of the Schedule I equipment listed in this Part A shall be made or accepted by any person except pursuant to a purchase certificate issued in accordance with this order, and any person who wishes to purchase any item of such equipment shall submit with his application therefor a certification, as required by § 1202.218 (b) of this order, that he has located a dealer or a mail order house which he has good reason to believe will transfer to him, if he is granted a purchase certificate, the Schedule I equipment for which application is made.

Manufacturers who transfer Schedule I equipment listed in this Part A shall keep the

records required by § 1202.234 (d) of this order.

Any manufacturer authorized by this order to distribute less than 100 percent of his authorized production of any item of Schedule I equipment may elect to distribute all his current production of such equipment up to that percentage of his authorized production which he is permitted to distribute or he may distribute from each production unit of such equipment only the percentage which he is permitted by this order to distribute.

(1) The Director has authorized and does hereby authorize any manufacturer to transfer the Schedule I equipment listed in this subparagraph (1) which was manufactured by such manufacturer prior to the effective date of, or in compliance with, the provisions of War Production Board Order L-26 (7 F.R. 1795, 2940, 4331, 5396, 6148, 8460) and 100 percent of such manufacturer's authorized production of such equipment under War Production Board Order L-170.

IRRIGATION EQUIPMENT

War Production Board
No.

Irrigation pumps:

- 227 Turbine pumps, 0 to 1,200 GPM.
 - 228 Turbine pumps, 1,200 GPM and up, belt driven.
 - 229 Centrifugal pumps.
- Distribution equipment:
- 231 Land leveling equipment, ditchers, corrugators and scrapers (excluding power ditchers, draglines and other self-powered machines).

SPRAYERS, DUSTERS, AND ORCHARD HEATERS

- 119 Spray pumps, power.

CULTIVATORS AND WEEDERS

- 103 Rod weeder, horse or tractor drawn.

FARM ELEVATORS AND BLOWERS

- 188 Elevators (portable).
- 189 Elevators (stationary).
- 190 Blowers (grain and forage).

MACHINES FOR PREPARING CROPS FOR MARKET
OR USE

- 171 Stationary hay balers, horse.

(2) The Director has authorized and does hereby authorize any manufacturer to transfer Schedule I equipment listed in this subparagraph (2) which was produced by such manufacturer prior to the effective date of, or in compliance with, the provisions of War Production Board Order L-26 and 90 percent of such manufacturer's authorized production of such equipment under War Production Board Order L-170.

DOMESTIC WATER SYSTEMS

War Production Board
No.

Deep well:

- 213 Deep well, reciprocal.
- 214 Deep well, jet pumps.

Shallow well:

- 215 250-499 gals. per hour.
- 216 500 gals. per hour and over.

Power pumps:

- 217 Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure.

IRRIGATION EQUIPMENT

- 232 Portable pipe and extensions, sprinklers.

DAIRY FARM MACHINES AND EQUIPMENT

- 237 Milking machines.
- 238 Farm cream separators, capacity 250 lbs. per hour or less.
- 239 Farm cream separators, capacity 251 lbs. up to and including 800 lbs. per hour.

War Production Board
No.

Farm milk coolers.

- 241 Immersion type.
- 242 Surface or tubular type.

(3) The Director has authorized and does hereby authorize any manufacturer to transfer Schedule I equipment listed in this subparagraph (3) which was produced by such manufacturer prior to the effective date of, or in compliance with, the provisions of War Production Board Order L-26 and 80 percent of such manufacturer's authorized production of such equipment under War Production Board Order L-170.

FARM PUMPS AND WINDMILLS

War Production Board
No.

- 221 Windmill pumps (including combination hand and windmill).
- 222 Windmill heads.
- 223 Windmill towers.
- 224 Pump jacks.

(4) A transfer of any item of Schedule I equipment listed in this subparagraph (4) is subject to the provisions of this order only when the transfer of such equipment is for farm use and when the intended purchase calls for the delivery during any calendar quarter of more than 4,000 pounds and less than 40,000 pounds of the Schedule I equipment listed below under the heading "Pipe" or of the Schedule I equipment listed below under the heading "Wire and wire products". Accordingly, any person desiring to purchase for farm use any item listed below under the heading "Pipe" must apply for a purchase certificate if his intended purchase will cause his total purchases for the calendar quarter of the items listed below, under the heading "Pipe", to exceed 4,000 pounds. If such a person desires to make a purchase of any item listed below under the heading "Pipe", which will cause his total purchases of all such items to exceed 40,000 pounds for any calendar quarter, he must apply to the Director for permission to make such purchase. The same restrictions which apply to items listed under the heading "Pipe", apply also to the items which are listed under the heading "Wire and wire products".

Any transfer for farm use of Schedule I equipment listed in this subparagraph (4) in an amount of 4,000 pounds or less, or in an amount of 40,000 pounds or more, is subject to the provisions of CMP Regulation 4 (8 F.R. 2575). Any person transferring Schedule I equipment listed in this subparagraph (4) for resale or for use other than farm use shall comply with the provisions of applicable War Production Board orders.

PIPE

Water well casing (fabricated by a pipe mill).
Water well pipe.
Line pipe.

WIRE AND WIRE PRODUCTS

Farm fencing.
Barbed wire.
Poultry netting.
Poultry flooring.
Woven or welded wire fence:
Hog and cattle fence.
Poultry and rabbit fence.
Drawn wire.
Bale ties.
Nails and staples.

(5) The Director has authorized and does hereby authorize any manufacturer to transfer all the Schedule I equipment listed in this subparagraph (5) which it manufactured prior to the effective date of, and 80 percent of such manufacturer's authorized production of such equipment under War Production Board Order L-30-d (8 F.R. 3766).

As used in this subparagraph (5) the term "pressure cooker" means any device commonly known as a pressure cooker or pressure canner which may be used for canning food products under steam pressure, which has a capacity of from 5 up to and including 14 one-quart glass jars and which is equipped with a dial, indicating or weighted gauge, a venting device, and a safety valve. Pressure cookers are subject to the provisions of this order, regardless of whether they are for farm or non-farm use.

Applications for purchase certificates for pressure cookers shall be filed in accordance with the provisions of § 1202.218 of this order, except that applications for pressure cookers shall be filed on Form MR-20a.

A State board may, in the manner it deems most practical, provide for the rationing of pressure cookers in any county in such State in which no county farm rationing committee has been previously established. In the establishment of county farm rationing committees in such counties, a State board may provide for exceptions to the personnel requirements of § 1202.204 of this order.

Persons appointed by a State board pursuant to this subparagraph (5) to assist in the rationing of pressure cookers are hereby authorized to administer the functions assigned to them by such State board.

MISCELLANEOUS

War Production Board
No.

L-30-d Pressure cookers.

(6) New metal milk cans and covers are subject to the provisions of this order, regardless of whether they are for farm or non-farm use. The Director has authorized and does hereby authorize any manufacturer of new metal milk cans and covers to transfer such milk cans and covers in accordance with the following regulations:

(i) Any manufacturer of new metal milk cans and covers may transfer without a purchase certificate to other manufacturers, distributors, mail order houses, or dealers, provided such transfers are not for use, or may transfer for use by the transferee upon presentation of a purchase certificate all metal milk cans and covers manufactured prior to the effective date of, and 70 percent of such manufacturer's production of metal milk cans and covers authorized by War Production Board Order M-200 (7 F.R. 7808).

(ii) Each manufacturer of new metal milk cans and covers shall distribute for resale the metal milk cans and covers which are authorized for transfer by him to the same distributors, mail order houses, or dealers to whom such manufacturer distributed metal milk cans and covers for resale in the calendar year 1941, and shall prorate the distribution of such metal milk cans and covers for resale to such persons on the basis of the percentage which the number of metal milk cans and covers of all types and sizes distributed by such manufacturer to such person for resale in the calendar year 1941 bore to the total number of metal milk cans and covers produced by such manufacturer in the calendar year 1941. If any distributor, dealer or mail order house to which such manufacturer distributed metal milk cans and covers in the calendar year 1941 is no longer in the business of buying and selling metal milk cans and covers, or does not desire to purchase metal milk cans and covers from such manufacturer, or if such manufacturer is genuinely unable to ascertain if any transfer made by it to any person in the calendar year 1941 was for resale or for use, such manufacturer shall distribute the number of metal milk cans and covers which it is authorized by this order to distribute on the basis of such transfer in the calendar year 1941 to any other distributors, mail order houses, dealers or other persons who will assure distribution in the same States

in which the metal milk cans and covers transferred in the calendar year 1941 were distributed. Upon the passage of a reasonable time after a person entitled to purchase from any manufacturer metal milk cans and covers for resale has been notified by such manufacturer of such manufacturer's intention to sell such metal milk cans and covers to other persons, a manufacturer may assume that such a person is not going to place an order for the metal milk cans and covers which such person is entitled to purchase under this section. Metal milk cans and covers available for distribution by a manufacturer for any of the reasons stated in this subparagraph (ii) may be transferred by such manufacturer either for resale or use in the same State in which the previous transfer by such manufacturer was made.

(iii) A manufacturer of new metal milk cans and covers shall prorate, insofar as the number of purchase certificates is adequate, his distribution for use of metal milk cans and covers among the States in which such manufacturer transferred new metal milk cans and covers for use in the calendar year 1941. Such proration in each State shall be on the basis of the percentage of such manufacturer's total production of metal milk cans and covers in the calendar year 1941 distributed for use in such State.

(iv) Transfers of metal milk cans and covers by any manufacturer to a United States government agency or to any person for export to and consumption or use in any foreign country shall not be made without the prior written consent of the Director of Food Production, and when made shall be charged against the 30 percent of such manufacturer's authorized production, which has not been authorized for transfer. Any such transfers previously made by any manufacturer in accordance with the provisions of Food Production Order No. 3 shall likewise be charged against such manufacturer's 30 percent reserve. Transfers to any person, other than a United States government agency, for use by such person in serving a United States government agency are not within the category of transfers to a United States government agency.

(7) The Director has authorized, and does hereby authorize, any manufacturer to transfer Schedule I equipment listed in this subparagraph (7) which was produced by such manufacturer prior to the effective date of, and 100 percent of such manufacturer's authorized production of such Schedule I equipment under, War Production Board Order L-190 (8 F.R. 5625). As used in this subparagraph (7) the term "farm scales" refers to farm scales having a retail price of more than \$5.00 and less than \$50.00.

MISCELLANEOUS

War Production Board
No.

L-190 Farm scales.

[Part A above as hereby amended]

B. The Director either has established or will establish quotas for the Schedule I equipment listed in this Part B of Schedule I. Manufacturers, mail order houses, distributors and dealers who transfer Schedule I equipment listed in this Part B shall keep the records required by § 1202.234 (d) of this order.

The Director has authorized and does hereby authorize any manufacturer to transfer from the following groups Schedule I equipment listed in this Part B:

(a) Schedule I equipment which was in the physical possession of such manufacturer, in its factory, or plant stocks at the close of business, October 31, 1942.

(b) Schedule I equipment heretofore or hereafter manufactured by such manufacturer pursuant to the provisions of War Production Board Order L-170.

(c) Schedule I equipment which was transferred other than for use from such manufacturer's factory or plant stocks pursuant to appeal granted by the Special War Board Assistant to the Secretary or by the Director under Food Production Order No. 2 or Food Production Order No. 3.

Transfers from these groups are conditioned upon compliance with the following regulations:

(1) No manufacturer shall transfer such equipment until he has received from the Director a distribution plan directing the distribution of such equipment.

(2) Any manufacturer who makes a transfer of such Schedule I equipment shall, prior to the transfer of such equipment to a retail dealer, provide and cause to be attached securely to each item of equipment so transferred a tag, in the form prescribed by the Director, which shall clearly state the name of the county and State in which, according to the distribution plan provided by the Director for the manufacturers of such equipment, said equipment is directed for transfer for use. No person shall remove such tag from any item of such Schedule I equipment except as otherwise indicated in this order or change the wording or permit the wording thereon to become illegible without immediately replacing the tag in its original condition, except that a transferee for use may remove such tag upon delivery of such Schedule I equipment to him pursuant to a purchase certificate for such equipment issued by the county farm rationing committee for the county named on such tag.

(3) No person shall transfer for use and no person shall accept a transfer for use of any Schedule I equipment listed in this Part B unless such transfer is effected pursuant to a purchase certificate issued by the county farm rationing committee for the county named on the tag affixed to such Schedule I equipment in accordance with the provisions of this Part B of Schedule I.

(4) Manufacturers, mail order houses, distributors, and dealers, when they have on hand Schedule I equipment listed in this Part B which they wish to transfer for use by the transferee, shall forward to the county farm rationing committee for the county named on the tag on each item of such machinery and equipment that portion of such tag which is designated for transmittal to the county farm rationing committee by a person who desires to transfer such Schedule I equipment for use.

(5) (i) A State board may order that changes be made in distribution plans issued by the Director which control persons who hold Schedule I equipment for distribution in such State, *Provided*, That such orders shall conform to the requirements of one of the following subparagraphs (5) (i) (a), (5) (i) (b), and (5) (i) (c):

(a) If any person holding Schedule I equipment for sale in any State desires to exchange with another person or other persons the distribution plan, or any part thereof, controlling his distribution of such Schedule I equipment, and if such person locates another person or other persons who hold the same type of Schedule I equipment for distribution in the same State and who are willing to participate in such exchange, then all such persons may petition the State board for such State for an order authorizing the exchange upon which they have agreed. The State board may order that such exchange be made, if it determines to its satisfaction that such exchange will expedite the program for rationing new farm machinery and equipment within such State by preventing the impairment of established dealer relationships or existing service facilities, making new farm machinery and equipment available for sale in areas in which it is most adaptable for use, or accomplishing some similar purpose. Such exchange shall not alter the quantity of any type of machinery and equip-

ment planned for distribution or provided for distribution in any county before the exchange was authorized. Orders issued pursuant to this subparagraph (5) (i) (a) shall affect the distribution of machinery and equipment only in the State served by the issuing State board and such orders shall be issued only upon the request and consent of the agreeing persons who hold for sale the Schedule I equipment involved in the exchange.

(b) If a State board determines that changes in the distribution plans providing for distribution of Schedule I equipment within such State will result in a more efficient use of farm machinery and equipment and will benefit the food production program within the State, the State board may order that such changes be made. In making such changes, a State board may increase or decrease county quotas of any item of Schedule I equipment in order to make such quotas conform to the adjusted distribution plans, provided that the sum of all county quotas of any type of Schedule I equipment shall not be increased above the State quota of such item and provided further that immediate notification must be given to the county farm rationing committee for any county for which a quota is changed.

No order shall be issued by a State board pursuant to the provisions of this subparagraph (5) (i) (b) unless such State board has taken the following factors into consideration and has determined, in light of such consideration that the order should be issued.

(1) With few exceptions, necessary adjustments should be effected by properly distributing the farm machinery and equipment in excess of the announced county quotas.

(2) Changes in distribution plans for any farm machinery and equipment should be made, if possible, before such farm machinery and equipment reaches the hands of dealers.

(3) Changes in distribution plans should be made only to correct obvious inequities in distribution and to cope with emergency needs.

(4) Careful consideration should be given to the adaptability of farm machinery and equipment to areas in which the redistribution is being made.

(5) There is urgent necessity for efficient use of transportation facilities, both because of the national transportation problem and the increased cost to the farmer brought about by reshipments.

(6) Service facilities, dealer representation, and other related factors should be considered.

(c) (1) If a State board determines that in such State the distribution of any type of Schedule I equipment listed in Part B of Schedule I would be more effectively accomplished by cancelling the county quotas of such an item of Schedule I equipment in such State and thereby permitting the transfer of such Schedule I equipment for use in any county in such State, the State board may announce the cancellation of county quotas of such an item in such State: *Provided*, That no State board shall announce the cancellation of county quotas of any item of Schedule I equipment unless the Director has previously authorized such action. Immediate notification of such cancellation shall be given by the State board to county farm rationing committees within the State, to manufacturers who distribute the item involved for transfer for use in the State and to the Director.

(2) If, pursuant to this subparagraph (5) (i) (c), a State board announces the cancellation of county quotas of any item of Schedule I equipment, the provisions of §§ 1202.207, 1202.218 (b) and 1202.221 (b)

shall apply to the issuance of purchase certificates for such equipment. Furthermore, the requirements of sub-paragraphs (2) and (3) of Part B of Schedule I, insofar as they provide for the transfer of such equipment for use in any particular county of such State, shall be automatically cancelled by such an announcement by a State board. Such an announcement shall not, however, alter the requirement that an item of Schedule I equipment listed in Part B of Schedule I be transferred for use in the State named on the tag provided for such equipment. The provisions of subparagraph (4) of Part B of Schedule I shall not apply to any person wishing to transfer for use Schedule I equipment, county quotas for which have been cancelled by a State board pursuant to this subparagraph (5) (i) (c).

(ii) A State board which issues an order under the authority of this subparagraph (5) shall order the changing of tags which, pursuant to the provisions of this Part B, accompany the affected Schedule I equipment. A State board issuing such an order shall designate specifically the changes to be made in such tags, and the person or persons having possession of Schedule I equipment affected by this order shall promptly make the changes on the tags as ordered and report to the State board as soon as the changes are complete. If the tag on any item of Schedule I equipment is changed pursuant to an order issued by a State board under the authority of this paragraph (5), such machinery and equipment shall thereafter be treated for the purposes of this order as though the altered tag had been originally affixed to such machinery and equipment.

(iii) Any person who holds Schedule I equipment for sale in any State shall comply with orders issued by the State board for such State under the authority of this subparagraph (5): *Provided*, That, if such person, prior to his receipt of an order issued under the authority of this subparagraph (5) (i) (b), has entered into a sales contract for, or has prepared bills of lading covering the shipment of, the Schedule I equipment affected by such order, such person, if he does not consent to such order, shall be deemed to have complied with such order if within 48 hours after his receipt of such order he delivers or mails such order to the issuing State board along with an explanatory statement furnishing the name and address of the person to whom each item of Schedule I equipment covered by such order has been designated by such contract or bills of lading and furnishing also the date on which each such item is scheduled for delivery to the transferee. If such person does not deliver or mail such order to the issuing State board along with the statement described above within 48 hours after his receipt thereof, he shall be deemed to have consented to the terms of such order.

(6) Any State board may provide a distribution plan to control the distribution of Schedule I equipment which has been designated by the Director for sale in such State but for which the Director has not named the particular county in which such Schedule I equipment should be sold. Any orders issued by a State board under the authority of this subparagraph (6) shall conform to the following requirements:

(i) A copy of any order issued under this subparagraph (6) shall be promptly forwarded by the State board to the Director.

(ii) Orders should, insofar as possible, provide for the distribution of Schedule I equipment in accordance with established county quotas.

(iii) As changes in county quotas are deemed necessary by a State board, the State board shall give appropriate notice of such changes to the county farm rationing committees affected, and shall advise the Director of the changes.

PLANTING, SEEDING AND FERTILIZING MACHINERY

War Production Board
No.

- Planters, horse and tractor drawn:
- 4 Two row, corn planters.
 - 5 Two row, corn and cotton planters.
 - 6 Three row and over, corn planters.
- Planters, tractor mounted:
- 8 One row, corn planters.
 - 9 One row, corn and cotton planters.
 - 10 Two row, corn planters.
 - 11 Two row, corn and cotton planters.
 - 12 Three row and over, corn planters.
 - 13 Three row and over, corn and cotton planters.
 - 14 Potato planters, horse or tractor drawn.
 - 15 Transplanters, horse or tractor drawn.
- Listers with planting attachments, horse or tractor drawn.
- 18 Two row.
 - 19 Three row and over.
- Listers with planting attachments, tractor mounted:
- 20 One row.
 - 21 Two row.
 - 22 Three row and over.
 - 23 Beet drills, horse or tractor drawn.
- Grain drills:
- 24 One horse, 3 or 5 disc drills.
 - 25 Fertilizer drills, horse or tractor drawn.
 - 26 Plain drills, horse or tractor drawn.
- Lime spreaders (sowers):
- 33 Wheeled type, horse or tractor drawn.
 - 34 Endgate type.
 - 35 Truck body type.
- Manure spreaders:
- 36 Four wheeled, horse or tractor drawn.
 - 37 Two wheeled, tractor drawn.

PLOWES AND LISTERS

- Moldboard plows, tractor drawn or mounted:
- 47 One bottom, tractor drawn.
 - 48 Two bottom, tractor drawn.
 - 49 Three bottom, tractor drawn.
 - 50 Four bottom, tractor drawn.
 - 52 One bottom, tractor mounted.
 - 53 Two bottom, tractor mounted.
- Disc plows, tractor drawn or mounted:
- 55 One disc, tractor drawn.
 - 56 Two disc, tractor drawn.
 - 57 Three disc, tractor drawn.
 - 58 One disc, tractor mounted.
 - 59 Two disc, tractor mounted.
 - 63 One way disc plows or tillers.
- Listers, horse or tractor drawn (Middlebusts without planting attachment):
- 65 Two row, horse or tractor drawn.
 - 66 Three row and larger, horse or tractor drawn.
- Listers, tractor mounted (Middlebusts without planting attachment):
- 67 One row, tractor mounted.
 - 68 Two row, tractor mounted.
 - 69 Three row and larger, tractor mounted.

HARROWS, ROLLERS, PULVERIZERS

- Harrows:
- 78 Spike tooth harrow sections, horse or tractor drawn.
 - 79 Spring tooth harrow sections, horse or tractor drawn.
 - 80 Disc harrows, horse or tractor drawn.
 - 81 Disc harrows, tractor mounted.
 - 83 Soil Pulverizers and packers.

CULTIVATORS AND WEEDERS

- Cultivators, horse and tractor drawn:
- 93 One row, riding, two horse.
 - 95 Beet cultivators.
 - 96 Field cultivators.
 - 96a Field cultivators and tillers, tractor mounted.

CULTIVATORS AND WEEDERS—CON.

War Production Board No.

- Cultivators, tractor mounted:
- 98 One row.
 - 99 Two row.
 - 100 Three and four row.
 - 101 Five row and over.
 - 102 Rotary hoes, horse or tractor drawn.
- Weeders:
- 104 Tooth weeders, horse or tractor drawn.
 - 104a Tooth weeders, tractor mounted.
- SPRAYERS, DUSTERS AND ORCHARD HEATERS
- 108 Power sprayers.
 - 109 Traction sprayers.
- Dusters:
- 121 Power dusters.
 - 122 Traction dusters.

HARVESTING MACHINERY

- Combines, harvester-threshers:
- 126 Width of cut, 6 feet and under.
 - 127 Width of cut, over 6 feet, including 10 feet.
 - 128 Width of cut, over 10 feet.
- Grain and rice binders:
- 129 Grain binders, ground drive.
 - 130 Grain binders, power take-off drive.
 - 131 Rice binders.
 - 132 Corn binders (row binder), horse or tractor drawn.
- Corn pickers:
- 133 One row, mounted type.
 - 134 Two row, mounted type.
 - 135 One row, pull type.
 - 136 Two row, pull type.
 - 137 Field ensilage harvesters, row type.
- Potato diggers:
- 138 Walking plow type.
 - 139 Horse or tractor.
 - 140 Pea and bean harvesters, row type, horse or tractor.
 - 141 Beet lifters, horse or tractor.
- HAYING MACHINERY
- 146 Mowers, ground drive, horse or tractor drawn.
 - 147 Mowers, power take-off drive: Tractor mtd. or semi-mtd.
- Rakes:
- 148 Sully, dump.
 - 149 Side delivery, inc. comb. side rakes and tedders.
 - 150 Sweep.
 - 151 Hay loaders.
 - 152 Stackers (stationary type).
 - 152a Combination stacker loaders.
 - 153 Pick-up hay balers.

MACHINES FOR PREPARING CROPS FOR MARKET OR USE

- Stationary threshers (grain, rice and alfalfa):
- 158 Threshers, width of cylinder under 28 inches.
 - 159 Threshers, width of cylinder 28 inches and over.
- Stationary pea and bean threshers.
- 162 Ensilage cutters (silo fillers).
 - 163 Feed cutters, hand and power (excluding hand feed cutters).
- Corn shellers:
- 166 Power corn shellers, cylinder (150 bu. and under).
 - 167 Power corn shellers, cylinder (over 150 bu.).
- Corn huskers and shredders:
- 168 Combination corn husker-shredders.
- Stationary hay balers:
- 172 Engine or belt power.
- Feed grinders and crushers:
- 174 Power, burr type.
 - 175 Hammer and roughage mills.

MACHINES FOR PREPARING CROPS FOR MARKET OR USE—continued

War Production Board No.

- 176 Cleaners and graders, corn and grain.
- 177 Potato sorters and graders.

TRACTORS

- Tractors, wheel type:
- 192 Tractors, wheel, special purpose, under 30 h. p.
 - 193 Tractors, wheel, special purpose, 30 h. p. and over.
 - 194 Tractors, wheel, all purpose, under 30 h. p.
 - 195 Tractors, wheel, all purpose, 30 h. p. and over.
 - 196 Garden tractors (including motor tillers).

ENGINES

- Engines (one or more but under 5 h. p.):
- 199 Air cooled.
 - 200 Water cooled.
- Engines (five or more but under 10 h. p.):
- 201 Air cooled.
 - 202 Water cooled.

FARM WAGONS AND TRUCKS

- 205 Wagons, farm without boxes.
- 206 Trucks, farm (not motortrucks).

[Part B above as hereby amended]

[F. R. Doc. 43-7189; Filed, May 6, 1943; 11:38 a. m.]

Chapter XI—Food Distribution Administration

[FDO 29, Amendment 1]

PART 1460—FATS AND OILS

RESTRICTIONS ON THE USE AND DISTRIBUTION OF COTTONSEED, PEANUT, SOYBEAN, AND CORN OIL

Correction

In the ninth line of § 1460.13 (e) in the document appearing on page 5619 of the issue for Friday, April 30, 1943, the word "supplemented" should be "supplemental".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4897]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

TERMINAL MESSENGER SERVICE, ETC.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Location:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Nature, in general.* In connection with offer, etc., in commerce, of respondent's printed forms, form letters and envelopes, or any other

similar printed or written material, and among other things, as in order set forth, (1) using the words "Terminal Messenger Service", or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent operates any messenger service; or representing, directly or by implication, (2) that respondent's business is located in any "terminal" building, or that respondent's business is in any manner connected with the transportation of goods over railroads or other public transportation agencies, or with the delivery of goods so transported, or with the handling or delivery of express shipments or travelers' baggage; or (3) that persons concerning whom information is sought through respondent's form letters, envelopes, or other material are or may be consignees of goods which have been received by respondent from railroad or other public transportation agencies, or that the information sought through such means is for the purpose of enabling respondent to make delivery of any goods or packages to such persons; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Terminal Messenger Service, etc., Docket 4897, April 29, 1943]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Foreign status, branches, etc.:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Size or equipment:* § 3.72 (n10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Nature, in general.* In connection with offer, etc., in commerce, of respondent's printed forms, form letters and envelopes, or any other similar printed or written material, and among other things, as in order set forth, (1) using the words "Pioneer Inheritance Service", or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent's business bears any relation to decedents' estates or to the rights or interests of heirs therein; or representing, directly or by implication, (2) that respondent has correspondents in all principal cities of the world; (3) that respondent acts as counsellor to those in charge of decedents' estates, or that respondent is engaged in the business of locating missing heirs; (4) that respondent examines titles to property; (5) that respondent is engaged in genealogical research, or in the searching of records; or (6) that persons concerning whom information is sought through respondent's form letters or other material have or may have any interest in decedents' estates or any other property; prohibited. (Sec. 5, 38

Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Terminal Messenger Service, etc., Docket 4897, April 29, 1943]

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.72 (n10) *Offering deceptive inducements to purchase or deal—Terms and conditions.* In connection with offer, etc., in commerce, of respondent's printed forms, form letters and envelopes, or any other similar printed or written material, and among other things, as in order set forth, using, or supplying to others for use, printed forms, form letters, envelopes, or other material which represent, directly or by implication, that respondent's business is other than that of obtaining information for use in the collection of debts, or that the information sought through such means is for any purpose other than for use in the collection of debts; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Terminal Messenger Service, etc., Docket 4897, April 29, 1943]

In the Matter of Charles D. Hustead, an Individual Trading Under the Names Terminal Messenger Service and Pioneering Inheritance Service

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint and waives all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Charles D. Hustead, individually and trading as Terminal Messenger Service and as Pioneer Inheritance Service, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's printed forms, form letters and envelopes, or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

1. Using the words "Terminal Messenger Service," or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent operates any messenger service.

2. Representing, directly or by implication, that respondent's business is located in any "terminal" building, or that respondent's business is in any manner connected with the transportation of goods over railroads or other public transportation agencies, or with the delivery of goods so transported, or with the handling or delivery of express shipments or travelers' baggage.

3. Representing, directly or by implication, that persons concerning whom information is sought through respondent's form letters, envelopes, or other material are or may be consignees of goods which have been received by respondent from railroad or other public transportation agencies, or that the information sought through such means is for the purpose of enabling respondent to make delivery of any goods or packages to such persons.

4. Using the words "Pioneer Inheritance Service," or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent's business bears any relation to decedents' estates or to the rights or interests of heirs therein.

5. Representing, directly or by implication, that respondent has correspondents in all principal cities of the world.

6. Representing, directly or by implication, that respondent acts as counselor to those in charge of decedents' estates, or that respondent is engaged in the business of locating missing heirs.

7. Representing, directly or by implication, that respondent examines titles to property.

8. Representing, directly or by implication, that respondent is engaged in genealogical research, or in the searching of records.

9. Representing, directly or by implication, that persons concerning whom information is sought through respondent's form letters or other material have or may have any interest in decedents' estates or any other property.

10. Using, or supplying to others for use, printed forms, form letters, envelopes, or other material which represent, directly or by implication, that respondent's business is other than that of obtaining information for use in the collection of debts, or that the information sought through such means is for any purpose other than for use in the collection of debts.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-7214; Filed, May 7, 1943;
11:20 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1961]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT No. 1

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1 and for changes in shipping points for certain other mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and for changes in shipping points for certain other mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: April 28, 1943.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3947	Clyde, Percy	Pancoast	6	E	Falls Creek, Pa.	PRR	124	(†)	(†)	F	(†)	(†)
955	Davison, T. H. & Son (T. H. Davison)	Bennett	23	E	Josephine, Pa.	PRR—B&O	56	(†)	(†)	G	(†)	(†)
2538	Davison, T. H. & Son (T. H. Davison)	Lyda	28	E	Josephine, Pa.	PRR—B&O	56	(†)	(†)	H	(†)	(†)
3401	Etherson, T. J.	Etherson	6	E	Juneau, Pa.	B&O	112	(†)	(†)	F	(†)	(†)
3992	Fraser, William Jr.	Thew	14	E	Phillipsburg, Pa.	PRR	45	(†)	(†)	F	(†)	(†)
3993	Hess Coal Co. (D. R. Gates)	Hess #2	15	D	Dixonville, Pa.	CT&D	59	(†)	(†)	F	(†)	(†)
3961	Longwill & McCoy (Howard Longwill)	Longwill & McCoy	15	E	Dixonville, Pa.	CT&D	59	(†)	(†)	E	(†)	(†)
3994	Mays, James A. (Clarion Coal Supply)	Clarion Coal Supply #2	1	B	Strattonville, Pa.	LEF&C	31	(†)	(†)	F	(†)	(†)
354	Oak Ridge Coal Co. (M. J. O'Shell)	O'Shell #1	20	B	Osceola Mills, Pa.	PRR	45	(†)	(†)	C	(†)	(†)
80	Paint Creek Collieries (John M. Dovey)	Paint Creek #2	32	C	Paint Creek, Pa.	B&O	100	D	D	D	D	D
3475	Romsburg, P. L.	LeRoy	41	Redstone	Keystone, Pa.	B&O	100	(†)	(†)	H	(†)	(†)
3902	Rudiak, Frank	Rudiak	15	D	Dixonville, Pa.	CT&D	59	(†)	(†)	F	(†)	(†)
3995	Tartan Coal Mining Company	Tartan #4	4	D	Rimersburg, Pa.	PRR	90	(†)	(†)	G	(†)	(†)

†Indicates no prices or classifications effective for these size groups.

1 Indicates change in shipping point.

2 Indicates change in freight origin group.

NOTE: The above prices are applicable only via the respective freight origin groups, shipping points and railroad shown for the respective mines. Shipping points, railroads and freight origin groups previously assigned to these mines are hereby deleted.

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub. district No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modulated 12/16	2" and under slack	3" and under slack
Clyde, Percy	3947	Pancoast	6	Jefferson	E	(†)	(†)	240	(†)	(†)
Fraser, William Jr.	3992	Thew	14	Clearfield	E	(†)	(†)	240	(†)	(†)
Hertlein, Bessie	3996	Hertlein #2	9	Clearfield	B	(†)	(†)	235	(†)	(†)
Hess Coal Co. (D. R. Gates)	3993	Hess #2	15	Indiana	D	(†)	(†)	240	(†)	(†)
Longwill & McCoy (Howard Longwill)	3961	Longwill & McCoy	15	Indiana	E	(†)	(†)	245	(†)	(†)
Mays, James A. (Clarion Coal Supply)	3994	Clarion Coal Supply #2	1	Clarion	B	265	240	240	230	220
Rudiak, Frank	3902	Rudiak	15	Indiana	D	(†)	(†)	240	(†)	(†)
Tartan Coal Mining Company	3995	Tartan #4	4	Clarion	D	260	235	235	220	210
Vinglas, Joseph M.	3962	Vinglas	27	Blair	E	(†)	(†)	240	(†)	(†)

†Indicates no prices or classifications effective for these size groups.

[F. R. Doc. 43-7151; Filed, May 6, 1943; 11:00 a. m.]

[Docket No. A-1948]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT No. 8

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; for changes in shipping points for certain mines in District No. 8; for a change in shipping point, railroad and Freight Origin Group for the coals of the Roslin Mine of E. R. Norris, Mine Index No. 5415; and for an additional shipping point for the coals of the Herd Branch Mine of Ora Hacker, Mine Index No. 1593; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: April 21, 1943.

[SEAL]

DAN H. WHEELER,
Director.

DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 Alphabetical list of code members—Supplement B

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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109	Baker, Samp.	No. 2	No. 5	7	Maness, Va.	L&N & Sou.	204	E	E	D	D	C	B	C	G	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

*Indicates previously classified these size groups.

¹Indicates no classification effective for these size groups.

²Denotes new shipping point. Shipping point at Robinson Creek, Ky., shall no longer be applicable.

³Denotes new shipping point. Shipping point at Maness, Ky., shall no longer be applicable.

⁴Denotes new shipping point. Shipping point at Lexington, Ky., shall no longer be applicable.

⁵Denotes new shipping point. Shipping point at Sibert, Ky., shall still be applicable.

⁶Denotes change in shipping point designation.

⁷Denotes new shipping point. Shipping point at Pineville, Ky., shall no longer be applicable.

⁸Denotes new shipping point. Shipping point at Weber, Ky., shall no longer be applicable.

⁹Denotes new shipping point and Freight Origin Group. Shipping point at Walder, Tenn. on T. C. Railroad in Freight Origin Group No. 210 shall no longer be applicable.

FOR TRUCK SHIPMENTS

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T

[Docket No. A-1939]

PART 330—MINIMUM PRICE SCHEDULE,
DISTRICT No. 10

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of Ed Gentry (New Black Diamond Coal Company) for change in shipping point for the coals of Mine Index No. 1185.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been duly filed with the Division by the above-named party, requesting a change in the rail shipping point for the coals of New Black Diamond Mine No. 7, Mine Index No. 1185 of Ed Gentry (New Black Diamond Coal Company) in District No. 10 and the termination of the relief previously granted the coals of Mine Index No. 1185 by the Order of February 17, 1942, 7 F.R. 1538, in Docket No. A-1079 for all shipments except truck; and District Board No. 10 having filed with the Division a petition of intervention in support of the relief requested in the above-entitled matter; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, the following action is deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, \$330.4 (Price groups) is amended by adding thereto Supplement R-I, and \$330.10 (Special prices)—(a) (2) Railroad locomotive fuel prices is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and are hereby made a part hereof.

It is further ordered, That the relief granted by the Order of February 17, 1942, 7 F.R. 1538, in Docket No. A-1079 be, and it hereby is terminated in so far as it related to the coals of Mine Index No. 1185 for all shipments except truck.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: April 21, 1943.

[SEAL]

DAN H. WHEELER,
Director.

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 3" x 4" x 6" and under, egg 3" x 6"	Lump 3" x 4" x 6" and under, egg 3" x 6"	Lump 2" x 4" x 6" and under, egg 2" x 6"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	3" and under, slack	
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
CARTER COUNTY, KY.											
Hutchinson & Lucas (W. T. Hutchinson).	Kozee.....	12838	No. 7.....	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
JOHNSON COUNTY, KY.											
Clark, Elmon.....	Clark.....	4104	Millers Creek.....	325	305	255	260	235	245	190	185
LETCHER COUNTY, KY.											
Mosgrove, John L.....	Buckeye Coal Co.....	4100	Elkhorn.....	295	275	240	240	225	230	180	175
PIKE COUNTY, KY.											
Hellier Coal & Coke Company, Inc.	Hellier No. 28.....	4110	Elkhorn #1 & 2.....	305	285	255	260	235	245	205	200
Middle Branch Coal Company (L. G. Swiney).	Middle Branch.....	5991	Auxier.....	270	250	225	225	215	215	160	155
Wright, F. A. (Wright Coal Co.).	Wright No. 2.....	4106	Elkhorn No. 3.....	295	275	240	250	235	230	190	185
SUBDISTRICT NO. 4—KANAWHA											
PUTNAM COUNTY, W. VA.											
Massie, John.....	John Massie.....	5932	Pittsburgh No. 8.....	265	245	225	215	200	215	145	140
SUBDISTRICT NO. 5—LOGAN											
LOGAN COUNTY, W. VA.											
Monitor Coal & Coke Company..	Yuma Alma No. 3.....	4102	Alma.....	(†)	(†)	235	(†)	(†)	225	(†)	(†)
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
JACKSON COUNTY, KY.											
Sturgill & Cravens (Benton Sturgill).	T. J. Hudson.....	4108	No. 3.....	285	265	240	240	225	230	175	170
LAUREL COUNTY, KY.											
Owens, Ed.....	Owens.....	5996	Pittsburgh.....	285	265	240	240	225	230	175	170
WHITLEY COUNTY, KY.											
Mauney, L. L.....	Mauney No. 3.....	4107	Jellico.....	275	255	245	245	225	235	175	170
ANDERSON COUNTY, TENN.											
Tuttle, Wm.....	.....	4111	Windrock.....	275	255	245	250	225	235	165	160
CAMPBELL COUNTY, TENN.											
Bolton, Robert.....	Robert Bolton.....	5995	Jellico.....	320	300	245	270	235	235	190	185
SUBDISTRICT NO. 7—VIRGINIA											
LEE COUNTY, VA.											
Baker, Samp.....	No. 2.....	4109	No. 5.....	315	295	245	265	235	235	190	185

*Indicates previously classified these size groups.

†Indicates no classification effective for these size groups.

‡ Mine Index No. 3005, originally assigned to this mine, shall no longer be applicable.

[F. R. Doc. 43-7149; Filed, May 6, 1943; 11:00 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.4 Price groups—Supplement R-I

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
5	{ Gentry, Ed. (New Black Diamond Coal Co.)	{ New Black Diamond No. 7..	1185	{ 142 135	{ Marion, Ill....	MP.

¹ Freight Origin Group No. 142 no longer applicable.

NOTE: Mine index No. 1185 shall be included in Price Group No. 5 and shall take the same f. o. b. mine prices as other mines in Price Group No. 5, Schedule No. 1, District No. 10, For All Shipments Except Truck, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Marion, Illinois.

§ 330.10 Special prices—(a) (2) Railroad locomotive fuel prices—Supplement R-II

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
5	{ Gentry, Ed. (New Black Diamond Coal Co.)	{ New Black Diamond No. 7..	1185	{ 142 135	{ Marion, Ill....	MP.

¹ Freight Origin Group No. 142 no longer applicable.

NOTE: The railroad locomotive fuel price shall be: mine run—\$2.15, screenings—\$1.70 and price exceptions 2-H, 61, and 64 shall apply.

Doc. 43-7150; Filed, May 6, 1943; 11:00 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR RAIL SHIPMENTS

§ 334.5 Alphabetical list of code members—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Code member	Mine index No.	Mine name	Prod. group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group														
							3	4	6	7	8	9	10	11	12	13	14	15	16	17	18
Acme Coal Co. (Ed Boyd)	148	Acme Coal Co.	2	Hartman, Ark.	MP.	33	(1)	J	K	K	(1)	(1)	(1)	(1)	L	(1)	B	B	B	(1)	O
Caldwell, Jim.	624	No. 1	8	Poteau, Okla.	KCS, SL-SF	21	C	(1)	(1)	(1)	(1)	E	G	F	L	(1)	B	(1)	(1)	(1)	P
Peerless Coal Company, W. H. Lewis.	627	Peerless #3	5	Excelsior, Ark.	MV	15	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	L	(1)	B	(1)	(1)	(1)	J
Pelton, H. L. (Philpot Valley Coal Co.)	625	Valley #2	2	Hartman, Ark.	MP.	33	A	(1)	(1)	(1)	(1)	(1)	(1)	(1)	L	(1)	B	(1)	(1)	(1)	L
Ross, H. T., Coal Co. (H. T. Ross)	625	Ross #3	2	Ozark, Ark.	MP.	14	A	(1)	(1)	(1)	(1)	(1)	(1)	(1)	L	(1)	B	(1)	(1)	(1)	L
Whitville Coal Co. (Bill Davis)	533	Number 7	8	Poteau, Okla.	KCS, SL-SF	21	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	L	(1)	B	(1)	(1)	(1)	L

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 334.5 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 334.24 (General prices for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: April 27, 1943.

[SEAL] DAN H. WHEELER,
Director.

[Docket No. A-1950]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 14 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 14.

An original petition, pursuant to section A II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 14; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

FOR TRUCK SHIPMENTS
§ 335.24 General prices for shipment into all market areas—Supplement T

Code member index	Mine index No.	Mine	Sub-dis- trict No.	County	Prices and size group Nos.														
					3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Acme Coal Co. (Ed Boyd)	148	Acme Coal Co.	2	Johnson	415	435	435	435	435	435	435	435	435	435	435	435	435	435	435
Caldwell, Jim	624	No. 8	8	Le Flore	415	475	475	475	475	475	475	475	475	475	475	475	475	475	475
Peetless Coal Company (W. H. Lewis)	627	Peetless #1	5	Sebastian	415	475	475	475	475	475	475	475	475	475	475	475	475	475	475
Pelton, H. L. (Philbert Valley Coal Co.)	626	Valley #2	2	Johnson	415	475	475	475	475	475	475	475	475	475	475	475	475	475	475
Ross, H. T. Coal Co. (H. T. Ross)	625	Ross #3	2	Johnson	415	475	475	475	475	475	475	475	475	475	475	475	475	475	475
Wittville Coal Co. (Bill Davis)	533	Number 7	8	Le Flore	415	445	445	445	445	445	445	445	445	445	445	445	445	445	445

[F. R. Doc. 43-7152; Filed, May 6, 1943; 11:00 a. m.]

[Docket No. A-1951]

**PART 335—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 15**

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 15.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are herein-

after set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Petitioner requests the establishment of price classifications and minimum

prices for the coals of the No. 3 Mine, Mine Index No. 554, of Oliver Couch (Couch Coal Company) located in Franklin County, Kansas, in District No. 15, in Size Groups 1, 2, 3, 4, 9, 10, 11 and 12 for truck shipments. However, no relief is granted herein with respect to the No. 3 Mine, Mine Index No. 554, of Oliver Couch (Couch Coal Company), since it appears that price classifications and minimum prices were established for the coals of that mine for truck shipments, in the above-numbered size groups, in General Docket No. 15 under the name of the No. 1 Mine, Mine Index No. 554, of Oliver Couch (Couch Coal Company).

Dated: April 26, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 Alphabetical list of code members—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group														
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
True Cherokee Coal Co. (Ed Theys) ¹	1534	True Cherokee	1	Mulberry, Kans.	SL-SF	146	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

¹ Previously classified as truck mine.
A is Market Area list price as listed in Price Schedule No. 1.

FOR TRUCK SHIPMENTS

§ 335.24 General prices in cents per net ton for shipment into all market areas—
Supplement T

Code member	Mine index No.	Mine name	Production group No.	County															
					3" lump	3" up	10" x 1 1/2"	10" x 1 1/4"	8" x 2"	8" x 1 3/4"	2" x 1 1/4"	1 1/2" x 1"	Mine run	3" x 0	1 1/2" x 3/8"	1 1/2" x 1/4" (R)	1 1/2" x 0 (W)	1 1/2" x 0 (R)	1/4" x 0
W. & M. Coal Co. (O. B. Williams).	1677	W. & M.	11	Craig, Okla.	340	340	340	310	...	280	...	170	230	150	160	...	...	125	...

[F. R. Doc. 43-7153; Filed, May 6, 1943; 11:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-144]

CHROME IRON & STEEL CO., INC.

Chrome Iron & Steel Company, 1710 North Delaware Avenue, Philadelphia, Pennsylvania, has appealed from the provisions of Suspension Order No. S-144, issued November 17, 1942. After a review of the case it has been determined that the appeal be denied but that the Suspension Order be modified so as to expire on April 30, 1943, instead of June 30, 1943.

In view of the foregoing, paragraph (d) of § 1010.144 Suspension Order S-144 issued November 17, 1942, is hereby amended to read as follows:

(d) This order shall take effect on January 1, 1943, and shall expire on April 30, 1943.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-7191; Filed, May 6, 1943; 4:38 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-313]

HIGHTSTOWN HOUSE WRECKING CO.

Hightstown House Wrecking Company, Hightstown, New Jersey, is a partnership composed of David Irwin, Larry Levin, Eva Levin and Julius Levin. It is engaged in the business of selling lumber at retail and house wrecking. Subsequent to November 16, 1942, Julius Levin, acting for the partnership, purchased five carloads of lumber and mill work on orders bearing preference rat-

ings of AA-5 extended by him. At the time each and all of these preference ratings were extended, as aforesaid, Hightstown House Wrecking Company had not sold lumber on preference ratings of AA-5 and had no orders from its customers which bore such preference ratings, and therefore the extension of these preference ratings, as aforesaid, constituted a violation of Priorities Regulation No. 3 with the terms of which Julius Levin was familiar.

These violations of Priorities Regulation No. 3 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered, That:*

§ 1010.313 *Suspension Order No. S-313.* (a) Deliveries of material to David Irwin, Larry Levin, Eva Levin and Julius Levin, doing business as Hightstown House Wrecking Company, or otherwise, jointly or separately, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the War Production Board, except as specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to David Irwin, Larry Levin, Eva Levin and Julius Levin, doing business as Hightstown House Wrecking Company, or otherwise, jointly or separately, their successors and assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve David Irwin, Larry Levin, Eva Levin and Julius Levin, doing business as Hightstown House Wrecking Company, or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 9, 1943, and shall expire on August 9, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 6th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-7192; Filed, May 6, 1943; 4:38 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-315]

PLUMBING SERVICE CO.

Henry J. Veith, Jr., doing business as Plumbing Service Company, 107 Camp Street, New Orleans, Louisiana, is engaged in the plumbing and heating supply business. Subsequent to August 14, 1942, Henry J. Veith, Jr. sold and delivered numerous items of new metal plumbing equipment and new metal heating equipment to ultimate consumers in violation of Limitation Order L-79. During this period of time, Henry J. Veith, Jr., was fully aware of the provisions of Limitation Order L-79, and his violations of that order, therefore, deemed wilful.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board.

In view of the foregoing facts: *It is hereby ordered, That:*

§ 1010.315 *Suspension Order 315.* (a) Deliveries of material, directly or indirectly, to Henry J. Veith, Jr., doing business as Plumbing Service Company or otherwise, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, except as specifically authorized in writing by the War Production Board.

(b) No allocation shall be made, directly or indirectly, to Henry J. Veith, Jr., doing business as Plumbing Service Company or otherwise, his successors or assigns, of any material the supply or distribution of which is covered by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) Henry J. Veith, Jr., doing business as Plumbing Service Company or otherwise, his successors or assigns, shall not, directly or indirectly, order, accept delivery of, purchase or receive any new metal plumbing or heating equipment, as defined in Limitation Order L-79, except with the written approval of the Regional Compliance Chief, Dallas Regional Office, War Production Board.

(d) No person shall sell, deliver or transfer, directly or indirectly, to Henry J. Veith, Jr., doing business as Plumbing Service Company or otherwise, his successors or assigns, any new metal plumbing and heating equipment, as defined in Limitation Order L-79, except upon the approval obtained as provided in paragraph (c).

(e) Nothing contained in this order shall be deemed to relieve Henry J. Veith, Jr., doing business as Plumbing Service Company or otherwise, from any restriction, prohibition, or provision con-

tained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on May 8, 1943 and shall expire on November 8, 1943.

Issued this 6th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-7193; Filed, May 6, 1943;
4:38 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-316]

CLARK OIL COMPANY

Grady L. Clark, doing business as Clark Oil Company, 1400 North Main Street, East Point, Georgia, owns and operates a number of service stations in the vicinity of Atlanta, Georgia. Southport Petroleum Company, 3000 5th Avenue North, Birmingham, Alabama, is engaged in the marketing of petroleum products. During the months of April, May, June and from July 1 to July 22, 1942, Clark Oil Company accepted the delivery of approximately 81,000 gallons of motor fuel at seven of its service stations in excess of the amounts permitted to be delivered by Limitation Order L-70. Southport Petroleum Company, the principal supplier of Clark Oil Company, made most of these deliveries. Although both companies were fully familiar with the provisions of Limitation Order L-70, during the quota period Southport Petroleum Company failed to ascertain whether it was delivering, and Clark Oil Company failed to ascertain whether it was accepting the delivery of, more motor fuel at each of the Clark Oil Company service stations than Order L-70 permitted.

These excess deliveries were made in such careless disregard of the terms of Limitation Order L-70 as to be deemed wilful violations thereof. These violations have hampered and impeded the war effort of the United States by distributing motor fuel in a manner unauthorized by the War Production Board.

In view of the foregoing facts: *It is hereby ordered, That:*

§ 1010.316 *Suspension Order 316.* (a) During each of the months of May, June, July and August 1943, Clark Oil Company, its successors or assigns, shall not accept the delivery of motor fuel, as defined in Limitation Order L-70, at any of its following service stations in excess of 75 per cent of the average monthly sales of motor fuel made by each such service station during the period from December 1, 1942 through March 31, 1943:

1400 N. Main Street, East Point, Georgia.
798 Ponce De Leon, Atlanta, Georgia.
1281 Spring Street, Atlanta, Georgia.
2536 Stewart Avenue, Atlanta, Georgia.
421 Memorial Drive, Atlanta, Georgia.
202 Courtland Street, Atlanta, Georgia.
Athens, Georgia.

(b) During each of the months of June, July and August 1943, Southport Petroleum Company, its successors or assigns, shall not sell, transfer or de-

liver, directly or indirectly, to Clark Oil Company, its successors or assigns, any motor fuel, as defined in Limitation Order L-70, and Clark Oil Company, its successors or assigns, shall not, directly or indirectly, purchase or accept delivery of any motor fuel from Southport Petroleum Company, its successors or assigns, except as hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve either Clark Oil Company, its successors or assigns, or Southport Petroleum Company, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

Issued this 6th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-7194; Filed, May 6, 1943;
4:38 p. m.]

PART 949—CHROMIUM

[Supplementary Order M-18-a-1]

§ 949.4 *Supplementary Order M-18-a-1—(a) Small deliveries.* Pursuant to General Preference Order M-18-a, as amended:

(1) Any processor or dealer (as respectively defined in Order M-18-a, as amended) may deliver to any person quantities of chromium not to exceed a total in any calendar month of 3000 pounds in terms of chromium content, provided that any material so delivered is to be used by the person accepting delivery thereof, only for metallurgical purposes; and

(2) Any person may, without the necessity of filing any of the forms required under paragraph (e) of Order M-18-a, as amended, accept the deliveries permitted to be made under the provisions of (1) above, provided that the total quantity of contained chromium received by such person in any calendar month from all sources of supply pursuant to this paragraph (a) shall be limited to 3000 pounds.

Nothing contained in this supplementary order shall be construed as exempting any consumer of chromium from filing form WPB-532 with the Bureau of Mines in accordance with the instructions accompanying such form.

(b) *Melting.* The melting of any chromium acquired under the provisions of paragraph (a) of this order shall be governed by the applicable provisions of paragraph (d) of General Preference Order M-18-a, as amended, and by any special direction or exemption issued from time to time to the melter pursuant thereto, and also by any other existing or future order or regulation of the War Production Board relating to the melting of chromium.

Issued this 7th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-7217; Filed, May 7, 1943;
11:49 a. m.]

PART 1201—ISTLE AND ISTLE PRODUCTS [Conservation Order M-138 as Amended May 7, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of istle and istle products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1201.1 *Conservation Order M-138—*

(a) *Applicability of Priorities Regulation.* 1. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith in which case the provisions of this order shall govern.

(b) *Definitions.* As used in this order:

(1) "Raw istle" means unprocessed istle, including the types or grades commonly known as juamave, tula, palma and pita.

(2) "Istle product" means any product processed from raw istle, either alone or in combination with other materials, including, but not limited to, dressed or hatched fiber, brush fiber, tow for upholstery or padding, rope form for upholstery or padding, yarn, twine, roving, cordage, waste istle or istle waste.

(3) "Processor" means any person who processes raw istle or any istle product.

(c) *Restrictions on the importation and disposition of raw istle.* (1) The importation of raw istle shall be performed subject to and in accordance with the provisions of General Imports Order M-63 as amended from time to time.

(2) Notwithstanding anything contained in paragraphs (c), (d) and (e) of General Imports Order M-63, as amended from time to time, any person may dispose of raw istle imported in accordance with said order without further authorization: *Provided,* That such disposition shall be solely for the uses and within the inventory limits prescribed by the instant Conservation Order, M-138.

(d) *Restrictions on the importation and acquisition of istle products.* Unless specifically authorized by the War Production Board, no person shall import or purchase for import, or offer to import or offer to purchase for import, and no person shall hereafter receive, or offer to receive, any istle product except to fill orders in the categories described in paragraph (e), of this order: *Provided however,* That orders not within these categories may be filled under contracts made before May 9, 1942, where the istle product at that date is not usable for the uses stated in paragraph (e) of this order.

(e) *Restrictions on the use of raw istle.* (1) Unless specifically authorized by the War Production Board, no person shall put into process or use raw istle except for the following purposes:

(i) The manufacture of cut istle, istle tow, or istle in rope form for use in upholstery or padding: *Provided,* That such manufacture is for the purpose of filling orders bearing preference rating AA-5 or higher.

(ii) The manufacture or processing of the fiber for brushes;

(iii) The manufacture of single or plied yarn or roving, either alone or in combination with other fiber, for use in:

(a) Twine or cordage;

(b) Centers for wire rope.

(iv) The manufacture of products, or components to be physically incorporated into such products, purchased by or for the account of the Army, Navy or Maritime Commission, but only to the extent required by specifications, including performance specifications, of the Army, Navy or Maritime Commission.

(f) [Revoked May 7, 1943]

(g) [Revoked May 7, 1943]

(h) **Reports.** (1) Each processor who acquires or puts into process any rawistle shall report monthly on Form PD-469.

(i) **Records.** Each processor or other person acquiring any rawistle or anyistle product shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production, sales and transactions in such materials.

(j) **Audit and inspection.** All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(k) **Appeals.** Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, Ref.: M-138, setting forth the pertinent facts and the reasons why he considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(l) **Communications to the War Production Board.** All reports required to be filed under, and all communications concerning, this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: M-138.

(m) **Violations.** Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 7th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-7218; Filed, May 7, 1943; 11:49 a. m.]

PART 3097—SULFAMIC ACID AND SULFAMIC ACID DERIVATIVES

[General Preference Order M-242, as Amended May 7, 1943]

Section 3097.1 *General Preference Order M-242* is hereby amended to read as follows:

§ 3097.1 *General Preference Order M-242*—(a) **Definitions.** (1) "Sulfamic acid" means the chemical compound of that name having the formula HSO_2NH_2 .

(2) "Sulfamic acid derivatives" means ammonium sulfamate, fire retardants and weed-killer made from sulfamic acid.

(3) "Producer" means any person engaged in the production of sulfamic acid or sulfamic acid derivatives and includes any person who has any such material produced for him pursuant to toll agreement.

(4) "Primary distributor" means any person who purchases for resale direct from a producer sulfamic acid or sulfamic acid derivatives, but does not include any person whose only purchases are of ammonium sulfamate for resale at wholesale or retail for use as weed-killer.

(5) "Supplier" means a producer, primary distributor or any other person who purchases sulfamic acid or sulfamic acid derivatives for resale.

(b) **Restrictions on delivery.** (1) No producer or primary distributor shall deliver any sulfamic acid or sulfamic acid derivatives to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of sulfamic acid or sulfamic acid derivatives which he knows or has reason to believe is delivered in violation of this order.

(2) Authorizations or directions with respect to deliveries to be made in each calendar month by producers and primary distributors will so far as practicable be issued by War Production Board prior to the commencement of such month (in the normal case on Form PD-602 filed pursuant to paragraph (f) (1) hereof), but War Production Board may at any time issue directions with respect to deliveries to be made.

(3) In the event that any producer or primary distributor after receiving notice from War Production Board with respect to a delivery of sulfamic acid or sulfamic acid derivatives which he is authorized or directed to make to any specific customer, shall be unable to make such delivery either because of receipt of notice of cancellation from such customer or otherwise, such producer or primary distributor shall forthwith give notice of such fact to War Production Board, Chemicals Division, Washington, D. C., Ref.: M-242 and shall not, in the absence of specific authorization or direction in writing from War Production Board, sell or otherwise dispose of the sulfamic acid or sulfamic acid derivatives which he is unable to deliver as aforesaid.

(c) **Restrictions on use.** (1) No producer shall use sulfamic acid or sulfamic acid derivatives except as specifically authorized or directed in writing by War Production Board.

(2) No person shall use sulfamic acid or sulfamic acid derivatives received by him for a purpose or purposes contrary to the purpose or purposes certified in the certificate furnished by him pursuant to paragraph (e) (1) hereof.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of sulfamic acid or sulfamic acid derivatives to be delivered or then in inventory.

(d) **Exceptions to requirements for specific authorizations.** Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization in writing of War Production Board shall not be required for the delivery by any producer or primary distributor to any one person in any calendar month of not more than 100 lbs. in the aggregate of sulfamic acid and sulfamic acid derivatives: *Provided, however,* That no producer or primary distributor shall make any delivery pursuant to this paragraph if such delivery will prevent his making in such month any delivery which has been specifically authorized or directed by War Production Board.

(e) **Certification of customer's use.** (1) No supplier shall in any calendar month deliver to any one person more than 100 lbs. in the aggregate of sulfamic acid and sulfamic acid derivatives unless prior thereto he shall have received from such person a certificate in substantially the following form:

The undersigned purchaser hereby certifies to the War Production Board and to his supplier, pursuant to Order No. M-242, that the sulfamic acid or sulfamic acid derivatives hereby ordered for delivery in _____, Month _____, 194____, will be used for the following purpose(s) only:

Use A _____ lbs.
Use B _____ lbs.

(Note: (aa) If material is ordered for single use only, omit statement of weight. (bb) For other instructions see paragraph (e) (2).)

Name of purchaser
By _____
Duly authorized official

Title

Date

Such certificate which need not be filed with War Production Board shall be signed by an authorized official either manually or as provided in Priorities Regulation No. 7. The receipt of such certificate shall not authorize the delivery of sulfamic acid or sulfamic acid derivatives by a supplier where he knows or has reason to believe the same to be false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(2) In filling out the certificate referred to in paragraph (e) (1) hereof, purchaser will specify use or uses in terms of the following:

Cellophane.
Dry color.
Dyestuffs.
Electroplating solution.
Fire retardant.
Flameproofed textiles.
Laboratory reagents.
Leather.

Weed-killer.
Other (specify).
Resale (indicate use).

If purchase is for resale, applicant will specify "resale", followed by statement of use or uses (in terms of the uses specified in this paragraph) to which sulfamic acid or sulfamic acid derivatives will be put by his customer, except that a primary distributor need specify only "resale".

(f) *Applications and reports.* (1) Each producer and primary distributor requiring authorization to make delivery of sulfamic acid or sulfamic acid derivatives during any calendar month beginning with June 1943 (and each producer seeking authorization to use sulfamic acid or sulfamic acid derivatives) shall file application on or before the 20th day of the preceding month. Application for authorization to make delivery of (or to use) sulfamic acid or sulfamic acid derivatives in May, 1943, shall be filed as many days as possible in advance of the proposed date of delivery or use. The application shall be made on Form PD-602 in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD-602 may be obtained at local field offices of the War Production Board.

(ii) An original and three copies shall be prepared, of which the original and two copies shall be filed with War Production Board, Washington, D. C., Ref.: M-242, the third copy being retained for applicant's files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(iii) In the heading, under name of chemical, specify "Sulfamic Acid and Sulfamic Acid Derivatives"; under "grade" specify "sulfamic acid, ammonium sulfamate, fire retardant, weed-killer"; under "WPB Order No." specify "M-242"; indicate month and year during which deliveries covered by the application are to be made; under unit of measure specify "pounds"; under name of company, specify applicant's name and indicate address of plant or warehouse from which shipment will be made.

(iv) In Column 1 (except as provided in subdivision (v)) list names of customers from whom orders for delivery during the month to which the application relates have been received. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on last sheet, which is the only one that need be certified.

(v) Applicant need not list the name of any customer to whom not more than 2,500 lbs. of sulfamic acid derivatives is to be delivered in such month for use as weed-killer (or for resale for use as weed-killer), nor need applicant list the name of any customer to whom not more than 100 lbs. of sulfamic acid or sulfamic acid derivatives is to be delivered in such month for any purpose other than weed-killer. In the case of deliveries of sulfamic acid derivatives in quantities not exceeding 2,500 lbs. to any person in any month for use or resale as weed-killer, applicant will state in Columns 1 and 1-a "small quantity weed-killer" and in Col-

umn 4 will specify the total estimated quantity so to be delivered. In the case of deliveries of not more than 100 lbs. to any person in any month (excluding deliveries of sulfamic acid derivatives for use or resale as weed-killer), applicant will state in Column 1 "Total small order deliveries" and in Column 4, will specify the total estimated quantity so to be delivered.

(vi) A producer requiring permission to use a part or all of his own production of sulfamic acid or sulfamic acid derivatives shall list his own name as customer in Column 1 on Form PD-602, specifying quantity required and product use. Written approval of War Production Board on such Form PD-602 shall constitute authority to the producer to use sulfamic acid or sulfamic acid derivatives in the quantity and for the purposes indicated in such approved Form.

(vii) Except as otherwise provided in subdivision (v), applicant will specify in Column 1-a the use to which sulfamic acid or sulfamic acid derivatives will be put by his customer, as indicated by the certificate filed with applicant by the customer pursuant to paragraphs (e) (1) and (e) (2) hereof. If the sulfamic acid or sulfamic acid derivatives ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of sulfamic acid or sulfamic acid derivatives ordered for each use.

(viii) Leave Column 6 blank.

(ix) Each producer will report production, deliveries and stocks as required by Table II, Columns 8 and 16, inclusive. Primary distributors will fill out only Columns 8, 10, 12 and 13.

(2) War Production Board may issue other and further directions with respect to preparing and filing Form PD-602.

(g) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M-242.

Issued this 7th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-7219; Filed, May 7, 1943; 11:49 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 4 of CMP Regulation 5]

The following official interpretation is hereby issued with respect to § 3175.5 of CMP Regulation No. 5.

(a) Materials required for the manufacture of containers (in knock down or set up form) constitute production materials and consequently cannot be obtained under CMP Regulation No. 5.

(b) This is true, regardless of whether the manufacturer makes containers for sale to others or, in a captive plant or separate department, for packaging his own product for shipment or delivery.

(c) On the other hand, materials, other than fabricated containers, required for packaging a product for shipment or delivery may be acquired by the manufacturer of the product under CMP Regulation No. 5 where the manufacturer of the product does not maintain a captive plant or a separate department whose operations are substantially similar to those of a container manufacturer.

(d) For example, a manufacturer who maintains a department in which he manufactures wooden boxes for the packaging of his product for shipment or delivery, cannot obtain materials required to produce such boxes under CMP Regulation No. 5. On the other hand, a manufacturer who crates his product for shipment but who does not maintain a separate department operating on a basis substantially similar to the operations of a manufacturer making crates or shooks, may obtain the lumber, nails, etc., required in preparing his product for shipment, under CMP Regulation No. 5.

Issued this 7th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-7220; Filed, May 7, 1943; 11:49 a. m.]

PART 3246—KNIT UNDERWEAR, SWEAT SHIRTS AND T SHIRTS

[Limitation Order L-247, as Amended May 7, 1943]

Part 3169—Knit Underwear is changed and amended to "Part 3246—Knit Underwear, Sweat Shirts and T Shirts".

Section 3246.1 *Limitation Order L-247* as amended, is hereby further amended to read as follows:

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of materials for knit underwear, sweat shirts and T shirts for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3246.1 *Limitation Order L-247*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Knit underwear" means all underwear made of knitted fabrics. The term shall not include slips, pajamas or gowns, other than infants' gowns.

(2) "T shirt" or "sweat shirt" means a utility crew neck shirt made from cloth knit on underwear machines.

(3) Unless otherwise indicated, all trade terms shall have their customary trade meanings.

(c) *General restrictions on manufacture.* No person shall cut any fabric for knit underwear, sweat shirts or T shirts, except in conformity with the following requirements.

(1) The types and number of permitted fabrics and models for each type shall be as shown in Schedule A. Any variation in either construction, fiber content of yarn, type of stitch, or weight, shall constitute a different fabric. Any variation in either cut, trim, or sleeve or leg length shall constitute a different model. A variation in color, finish of cloth or size shall not constitute a different model.

(2) No knit underwear shall have any rayon striping, or any decorative trimming which does not add to the serviceability of the garment, unless permitted by Schedule A.

(3) The weight of any circular knit rayon fabric used shall not be lighter than 6.00 yards per pound or heavier than 3.50 yards per pound both based on 36 inch width knit from 150 denier yarn. If other deniers are used, weights are to be in proportion.

(4) No filament rayon shall be used in the manufacture of men's shirts, shorts and unionsuits.

(d) *Fair distribution of products.* It is hereby declared to be the policy of the War Production Board that material produced in accordance with this order shall be distributed equitably and that no person shall discriminate, in the acceptance or filling of orders, sales or deliveries, as between customers who meet his established prices and terms. Upon complaint of any person or without such complaint, the War Production Board may investigate any case of supposed failure of any person to distribute his product equitably, and may issue such instructions as are necessary to obtain equitable distribution. Any instructions pursuant to this paragraph to be valid must be in writing.

(e) *Exception.* The prohibitions and restrictions of paragraph (c) shall not apply to knit underwear sweat shirts or T shirts delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C. Reference L-247.

(h) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction

may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Effective date.* This order shall take effect on May 15, 1943.

Issued this 7th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Permitted types (all with-out decorative trim unless otherwise noted)	Maximum number and kinds of permitted fabrics	Maximum number per each type ir-respective of fabric used
<i>Men's Knit Union Suits</i>		
Heavyweight (over 9 lbs. per doz. for size 42, long sleeve ankle length).	3 all cotton..... 2 wool percentages.....	2
Lightweight.....	3.....	4
Wool spun—flat.....	2 wool percentages.....	2
Wool spun—ribbed.....	3 wool percentages.....	2
Fleeced.....	2.....	1
<i>Men's Knit Shirts</i>		
Heavyweight (over 7 lbs. per doz. for size 42, long sleeve).	2 all cotton..... 2 wool percentages.....	2
Medium weight (with sleeves).	2.....	2
Lightweight (with sleeves).	2.....	2
Wool spun—flat.....	4.....	2
Wool spun—ribbed.....	3.....	2
Fleeced.....	2.....	1
Athletic shirts (sleeveless).	3.....	2
<i>Men's Knit Drawers</i>		
Heavyweight (over 6 lbs. per doz. for size 38, ankle length).	2 all cotton..... 2 wool percentages.....	2
Medium weight.....	2.....	2
Lightweight.....	3.....	2
Wool spun—flat.....	4.....	1
Wool spun—ribbed.....	3.....	1
Fleeced.....	2.....	1
<i>Sleeping Garments</i>		
Men's.....	3.....	2
Boys'.....	3.....	2
<i>Sweat Shirts</i>		
Men's and Boys'.....	3.....	2
<i>T Shirts</i>		
Men's, Boys', Ladies', Misses' and Children's.	3.....	3
<i>Boys' Knit Union Suits</i>		
Heavyweight (over 5½ lbs. for size 34, long sleeve ankle length).	2 all cotton..... 2 wool percentages.....	3
Lightweight.....	2.....	2
Fleeced.....	2.....	1
<i>Boys' Knit Shirts</i>		
Shirts (with sleeves).....	3 all cotton..... 2 wool percentages.....	2
Athletic shirts (sleeveless).	3.....	12
<i>Boys' Knit Drawers</i>		
Drawers.....	3 all cotton..... 2 wool percentages.....	2
<i>Ladies' and Misses' Knit Unionsuits</i>		
Heavyweight (over 6 lbs. per doz. for size 38, long sleeve, ankle length).	2 wool percentages..... 2 other than wool percentages.....	4

Footnotes at end of table.

SCHEDULE A—Continued

Permitted types (all with-out decorative trim unless otherwise noted)	Maximum number and kinds of permitted fabrics	Maximum number of models per each type ir-respective of fabric used
<i>Ladies' and Misses' Knit Unionsuits—Con.</i>		
Lightweight.....	2.....	4
Tuck stitch.....	2 wool percentages..... 2 other than wool percentages.....	3
<i>Ladies' and Misses' Knit Vests, Pants, Briefs and Bloomers</i>		
Heavyweight.....	2 wool percentages..... 2 other than wool percentages.....	6
Lightweight.....	2.....	6
Tuck stitch.....	2 wool percentages..... 2 other than wool percentages.....	5
<i>Ladies' & Misses' all Rayon Knit Underwear</i>		
Untrimmed vests.....	3 flat circular knit..... 3 tricot warp knit..... 1 milanese warp knit.....	2 2 2
Trimmed panties.....	1 ribbed knit..... 3 flat circular knit..... 3 tricot warp knit..... 1 milanese warp knit.....	2 2 2 3
Untrimmed panties.....	3 flat circular knit..... 3 tricot warp knit..... 1 milanese warp knit.....	4 4 3
Trimmed chemise.....	1 ribbed knit..... 3 flat circular knit..... 3 tricot warp knit..... 1 milanese warp knit.....	1 2 2 2
Untrimmed chemise.....	3 flat circular knit..... 3 tricot warp knit..... 1 milanese warp knit.....	2 2 2
Untrimmed chemise.....	3 tricot warp knit..... 1 milanese warp knit.....	2 2
Unionsuits.....	2.....	2
<i>Children's (sizes 2-16) Rayon Knit Underwear</i>		
Vests.....	2 (The same two fabrics shall be used for all three types).	2
Panties.....		3
Combinations.....		1
<i>Children's (sizes 2-16) Knit Underwear</i>		
Union suits (other than tuck stitch).	1 lightweight all cotton..... 2 heavyweight all cotton.....	4
Tuck stitch union suits.....	1 wool percentage..... 3 (one all cotton and two wool percentage or one wool percentage and two all cotton).	2
Combinations (sizes 2-8 only).	1 lightweight all cotton..... 2 heavyweight all cotton..... 1 wool percentage..... 1 lightweight all cotton.....	4
Waist suits (sizes 2-12).....	2 heavyweight all cotton..... 1 wool percentage..... 2 lightweight..... 2 heavyweight all cotton.....	4
Vests.....	1 wool percentage..... 2 lightweight..... 2 heavyweight all cotton.....	2
Pants, briefs and bloomers.....	1 wool percentage..... 2 lightweight..... 2 heavyweight all cotton.....	3
Tuck stitch vest.....	2 all cotton..... 1 wool percentage.....	2
Tuck stitch pants, briefs and bloomers.....	2 all cotton..... 1 wool percentage.....	3
<i>Infants' Knit Underwear</i>		
Bands.....	1 lightweight all cotton..... 1 heavyweight all cotton..... 1 wool percentage..... 1 lightweight all cotton.....	2 2 2 2
Shirts.....	1 heavyweight all cotton..... 2 heavyweight wool percentages.....	3

SCHEDULE A—Continued

Permitted types (all without decorative trim unless otherwise noted)	Maximum number and kinds of permitted fabrics	Maximum number of models per each type irrespective of fabric used
Infants' Knit Underwear—Continued		
Binders.....	1 all cotton.....	1
	1 wool percentage.....	
Panties and training pants.....	2 lightweight all cotton.....	3
	2 heavyweight all cotton.....	
Combinations.....	1 wool percentage.....	2
	2 lightweight all cotton.....	
Gowns.....	2 heavyweight all cotton.....	2
Kimonos.....	1 wool percentage.....	
Infants' and Children's Knit Sleeping Garments.....	1.....	1
	2 all cotton.....	3
	1 wool percentage.....	

¹ Except as to bottom finish.

² Sleeve lengths.

³ Bottom lengths.

⁴ Top finishes.

⁵ Except as to length.

⁶ Bottom finish.

⁷ May be made in both short and long sleeves.

NOTE: Variation of leg length does not constitute a different model of men's medium weight knit drawers, men's lightweight knit drawers, boys' knit drawers, ladies' and misses' skin tight panties.

[F. R. Doc. 43-7221; Filed, May 7, 1943; 11:49 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 87, as Amended,¹ Amendment 5]

SCRAP RUBBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1263 (g) is added to read as follows:

(g) *Maximum prices for hard rubber scrap.* Anything in this regulation to the contrary notwithstanding, the maximum price for hard rubber scrap shall be determined in accordance with the provisions of the General Maximum Price Regulation. In applying those provisions to sales and deliveries by the Rubber Reserve Company, other persons who were dealing in scrap during March, 1942, shall be deemed to be competitive sellers of the same class as the Rubber Reserve Company.

This amendment shall become effective May 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7203; Filed, May 6, 1943; 4:50 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 4781, 5177, 6002, 8700, 8948; 8 F.R. 4628.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 300,¹ Amendment 6]

MAXIMUM MANUFACTURERS' PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 300 is amended in the following respects:

1. Section 1315.1753 (b) is amended by amending the title and text thereof to read as follows:

(b) *Maximum prices for all rubber drug sundries except those made in whole or in part of neoprene GN.* The maximum price for a sale by a manufacturer of any rubber drug sundry covered by this section, except one made in whole or in part of neoprene GN, shall be the first applicable among the following prices, less the deduction required by paragraph (d) of this section, wherever applicable, and all discounts, allowances, and other deductions which the manufacturer had in effect for a purchaser of the same class on December 1, 1941.

2. Section 1315.1753 (c) is redesignated § 1315.1753 (d).

3. Section 1315.1753 (c) is added to read as follows:

(c) *Maximum prices for rubber drug sundries made in whole or in part of neoprene GN.* The maximum price for a sale by a manufacturer of any rubber drug sundry made in whole or in part of neoprene GN, covered by this section, shall be the price determined in accordance with the provisions of the preceding paragraph (paragraph (b)) less a certain amount. This amount shall be determined by multiplying the number of pounds of neoprene GN required to produce the rubber drug sundry by the difference between the price in effect for neoprene on December 1, 1941, and \$0.45.

4. Section 1315.1754 (c) (2) is amended by amending the text thereof to read as follows:

(2) *Materials prices.* The price of neoprene GN used in bulb and bulb goods, catheters, glass molded tubing, gloves and stoppers shall be \$0.45 a pound. The price of any other materials used in the rubber drug sundries just named and the price of any materials used in any other rubber drug sundry shall be the highest price charged on December 1, 1941, by the manufacturer's supplier; except that if the Office of Price Administration has established a lower maximum price for the sale of that material to the manufacturer by his supplier, such lower price shall govern. If the material was not delivered or offered for delivery by the manufacturer's supplier on December 1, 1941, the material price shall be the first price at which the manufacturer's supplier offered to sell the material to a purchaser of the same class as the manufacturer after December 1, 1941, or the maxi-

¹ 8 F.R. 867, 1369, 1388, 1585, 2667, 3071, 3840, 3942.

mum price for the material established by the Office of Price Administration, whichever is the lower. The manufacturer's supplier shall be (i) his December 1941 supplier of the material, or (ii) lacking a December 1941 supplier of the material, his most recent supplier of the material. If neither of these exists, it shall be his potential supplier. For the purposes of this subparagraph (2) if the manufacturer shall receive a written statement from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, and if the manufacturer shall have no cause to doubt the accuracy of the statement, the price as stated by the seller shall be deemed not to be in excess of the maximum price established by the Office of Price Administration for that material.

5. Section 1315.1769 (a) (1) is amended to read as follows:

(1) "Distributor" means a person who purchases rubber drug sundries, which are not finished, packaged or assembled by him, from a manufacturer and who either resells them primarily to wholesalers or resells them primarily other than at retail under his own brand: *Provided*, That such person sells rubber drug sundries which the producer thereof does not sell directly to wholesalers or retailers.

6. Section 1315.1769 (a) (2) is amended to read as follows:

(2) "Manufacturer" means any of the following:

- (i) Any person engaged in the production of rubber drug sundries;
- (ii) Any person who sells rubber drug sundries primarily other than at retail and who finishes, assembles or packages the rubber drug sundries sold by him; or
- (iii) Any distributor of rubber drug sundries.

7. Section 1315.1771 (d) is amended to read as follows:

(d) The following rubber dental supplies:

- Dental dams.
- Dental separating strips and mouth props.
- Orthodontia bands.
- Plaster bowls.
- Rubber denture, denture suction and model formers.

This amendment shall become effective May 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7204; Filed, May 6, 1943; 4:50 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 301,¹ Amendment 5]

RETAIL AND WHOLESALE PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amend-

¹ 8 F.R. 837, 1369, 1388, 2669, 3841.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1795 (d) is amended to read as follows:

(d) The following rubber dental supplies:

Dental dams.
Dental separating strips and mouth props.
Orthodontia bands.
Plaster bowls.
Rubber denture, denture suction and model formers.

This amendment shall become effective May 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7205; Filed, May 6, 1943;
4:50 p. m.]

PART 1375—EXPORT PRICES

[2d Rev. Max. Export Price Reg.,
Amendment 1]

FINISHED RICE

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The 2d Revised Maximum Export Price Regulation is amended in the following respect:

Paragraph (d) is added to section 7, to read as follows:

(d) The maximum export premium to be charged on an export sale of finished rice shall be an amount not in excess of 4 per cent of the maximum domestic price figured on the f. o. b. basis under section 6 of the Revised Maximum Price Regulation No. 150.

Amendment No. 1 shall become effective May 12, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 6th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7206; Filed, May 6, 1943;
4:50 p. m.]

PART 1376—FLUORITE

[MPR 126, as Amended, Amendment 3]

FLUORSAP SALES TO INTERNATIONAL
NICKEL CO., INC.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the division of the Federal Register.*

Section 1376.1a is amended to read as follows:

§ 1376.1a *Maximum prices for sales of lead-free fluorspar to the International Nickel Company, Inc.* Any person may sell or deliver to the International Nickel Company, Inc., Huntington, West Vir-

ginia, and the International Nickel Company, Inc. may buy and receive from any person, lead-free fluorspar at a price not in excess of \$31.75 a ton f. o. b. the producer's railroad or waterway shipping point.

This amendment shall become effective May 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7207; Filed, May 6, 1943;
4:51 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 4, Amendment 2]

FOOD COMMODITIES RESTRICTION

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Restriction Order 4 is amended in the following respects:

1. Section 1407.5010 is amended to read as follows:

§ 1407.5010 *Application for adjustment.* (a) An establishment which has not heretofore been eligible to receive a quota or allotment because it did not sell or purchase a commodity in November, 1941 and on whose behalf no quota or allotment had been determined on or before April 15, 1943, or an establishment which believes that its circumstances have been changed since December 1, 1941 because of the investment of additional capital therein or because of a change of its location or in the event that its business is of a seasonal nature so that the amounts or percentages as reported on OPA Form PRF-1 do not represent a proper base for computing quotas or allotments, may apply to the board for assignment of new base amounts or percentages for purposes of computing future quotas or allotments.

(1) The board shall hear the applicant, examine all the evidence and shall, within five days after the filing of the application, deny the application or prepare a new registration statement on OPA Form PRF-1 on behalf of the establishment, shall enter in the appropriate spaces under the column headed "November 1941" the amounts based on which all future quotas or allotments shall be determined and shall set forth all other pertinent data.

(i) Such OPA Form PRF-1 shall bear the endorsement "Prepared by Board No. ____ after hearing duly held pursuant to Restriction Order 4, § 1407.5010" and shall be dated and signed by one member of the board. One copy shall be retained by the board, one copy shall be mailed to the Director and one copy shall be mailed to the establishment together with a statement of its right of appeal.

(b) Each board's base figure with respect to a specific commodity shall be

the dollar total as of April 15, 1943 of all dollar purchases and sales reported on OPA Form PRF-1 by all registrants subject to its jurisdiction as to such commodity, after having made appropriate adjustments for wholesale and retail percentages.

(1) A board shall not issue purchase certificates (OPA Form PRF-3 revised) during a quota period for a quantity of a commodity in excess of the quantity it shall be entitled to distribute as computed on its base figure unless the Director shall have assigned to that board an additional quota for use by it above its base figure.

2. Section 1407.5018 is hereby added to read as follows:

§ 1407.5018 *Review by board or Director.* (a) When the Director or any board having jurisdiction over the area in which an establishment is located has reason to believe that the amounts or percentages reported by such establishment on OPA Form PRF-1 do not represent a proper base for computing current quotas and allotments, written notice shall be served upon such establishment to appear and show cause why such amounts or percentages so reported by it should not be reduced or eliminated.

(b) The notice of hearing shall state the date, place and purpose of the hearing and the amounts or percentages which the board or the Director believes to be correct and may be served in person or by registered mail. The hearing shall be held not less than three days after notice, if served in person, and not less than five days after the mailing of the notice if served by registered mail. Hearings shall be informal and all reasonable doubts shall be resolved in favor of the establishment.

(c) If the establishment fails to appear at the hearing or if the board or Director determines on the basis of the information presented at the hearing that the amounts or percentages reported on OPA Form PRF-1 do not represent a proper base for computing current quotas or allotments, an order shall be entered amending such figures in conformity with the notice and the evidence so as to represent a proper base for computing current quotas and allotments: *Provided*, That if any person against whom an order has been entered for failure to appear shows good cause for such failure within five days after service of the order, he shall be granted a full hearing. A decision shall be rendered within three working days after the termination of the hearing and shall be served promptly on the establishment by personal service or by registered mail directed to its last-known address. When such order is entered by a board, a copy thereof shall promptly be forwarded to the Director, and when entered by the Director, a copy shall promptly be forwarded to the board having jurisdiction. An order entered by a board shall contain notice of the right of appeal conferred by this Restriction Order 4.

3. Section 1407.5019 is added to read as follows:

§ 1407.5019 *Appeals from decisions of boards.* (a) Any person may within

* Copies may be obtained from the Office of Price Administration.

18 F.R. 4132.

18 F.R. 3417, 4190.

10 days after receipt thereof appeal from an adverse decision of a board. Appeals from the action of a board shall be to the Director and shall be brought by the person entitled to the appeal in the following manner:

(1) A statement of appeal shall be filed in duplicate with the board. The statement of appeal shall be on Form OPA 122, and shall state the basis for the appeal, setting forth the specific section or sections of Restriction Order 4 claimed to be inconsistent with the action appealed from, and any other facts called for by the form, or deemed by the appellant to be pertinent. The statement may be accompanied by documentary evidence supporting the appeal.

(2) Within five days of such filing, the board shall forward one copy of the statement and an explanation of its reasons for taking the action appealed from, together with all pertinent records or papers, to the Director, unless the Board shall, within such five-day period, upon reconsideration, reverse the action appealed from. If the board disagrees with the version of the facts contained in the appellant's statement of appeal or in other papers in the record, the board shall note the respects in which its version of the facts differs.

(3) The board shall retain the other copy of the statement of appeal and shall keep a record thereon showing the date on which the board notified the appellant of the action appealed from, the date on which the statement of appeal was filed and the date the statement of appeal and other papers were sent to the Director.

(b) The Director may require the appellant to present additional pertinent information. The Director, may at the request of the appellant, order that a hearing be held on the appeal.

(c) Appeals shall be decided by the Director, who may affirm, modify or reverse the action of the board. The decision shall be in writing and one copy shall be mailed to the appellant and one to the board. The decision shall direct the board to take such action as may be necessary to give effect thereto.

This amendment shall become effective on April 16, 1943 at 12:00 a. m.

(Pub. Laws 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., W.P.B. Dir. No. 1, Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7671, Supp. Dir. No. 1-J, 7 F.R. 8731, E.O. 9280, 7 F.R. 10179; F.D. No. 3, 8 F.R. 2005)

Issued this 17th day of April 1943.

WILLIAM B. MEAD,
Director for Puerto Rico.

[F. R. Doc. 43-7196; Filed, May 6, 1943; 4:49 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 4, Amendment 3]

FOOD COMMODITIES RESTRICTION

A rationale accompanying this amendment, issued simultaneously herewith,

¹ 8 F.R. 3417, 4190.

has been filed with the Division of the Federal Register.*

Restriction Order 4 is amended in the following respects:

1. Section 1407.5009 (b) (2) is amended by deleting the numeral "2" before the word "pounds" and by inserting the numeral "3" in its place and stead.

2. Section 1407.5009 (c) (1) is amended by deleting the phrase "twenty dollars (\$20.00)" before the phrase "of the dollar value of rice" and by inserting in its place and stead the phrase "thirteen dollars and thirty-three cents (\$13.33)."

3. Section 1407.5009 (g) is added to read as follows:

(g) The Director may authorize a board to issue purchase certificates (OPA Form PRF-3 revised) to a person, in which the word "lard" is substituted for the word "shortening" or in which the word "shortening" is substituted for the word "lard," whenever he determines that supplies of either commodity are inadequate or unavailable.

This amendment shall become effective on May 3, 1943, at 8:00 a. m.

(Pub. Laws 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., W.P.B. Dir. No. 1, Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7671, Supp. Dir. No. 1-J, 7 F.R. 8731, E.O. 9280, 7 F.R. 10179, F.D. No. 3, 8 F.R. 2005)

Issued this 28th day of April 1943.

WILLIAM B. MEAD,
Director for Puerto Rico.

[F. R. Doc. 43-7208; Filed, May 6, 1943; 4:49 p. m.]

PART 1410—WOOL

[RPS 58, as Amended, including Amendment 13]

WOOL AND WOOL TOPS AND YARNS

Paragraphs (e) and (f) of § 1410.65 and § 1410.60 (b) were added by Amendment 13, effective May 12, 1943, so that Revised Price Schedule No. 58, as amended, shall read as follows:

A statement of the considerations involved in the issuance of this Revised Price Schedule No. 58, as amended, has been prepared and is issued simultaneously herewith.²

Sections 1354.1 to 1354.13, inclusive, of Revised Price Schedule No. 58, formerly embraced under Part 1354—Wool and Wool Products, are amended and redesignated §§ 1410.51 to 1410.66, inclusive, as set forth below:

Sec.

1410.51 Maximum prices for wool and wool tops and yarns.

1410.51a Maximum prices for sales and deliveries of certain wool fabrics to the United States Government and agencies thereof.

1410.52 Less than maximum prices.

1410.53 Evasion.

1410.54 Records and reports.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1316.

² Statements of considerations also are issued simultaneously with the issuance of amendments.

Sec.

1410.55 Enforcement.

1410.56 Petitions for amendment and adjustment.

1410.57 Definitions.

1410.59 Effective date of Revised Price Schedule No. 58.

1410.60 Effective dates of amendments.

1410.61 Appendix A: Maximum prices for domestic pulled wools.

1410.62 Appendix B: Maximum prices for wool tops and noils.

1410.63 Appendix C: Maximum prices for scoured domestic shorn wools.

1410.64 Appendix D: Maximum prices for wool yarns.

1410.65 Appendix E: Maximum prices for foreign shorn wools.

1410.66 Appendix F: Maximum prices for foreign pulled wools.

AUTHORITY: §§ 1410.51 to 1410.66, inclusive, issued pursuant to the authority contained in Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7671.

§ 1410.51 *Maximum prices for wool and wool tops and yarns.* (a) On and after February 2, 1942, no person shall sell, offer to sell, deliver or transfer wool or wool tops or yarns at prices higher than the maximum prices established herein: *Provided*, That contracts entered into prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(b) (1) The maximum price for wool and wool tops and yarns, except the types and grades enumerated in Appendices A, B, C, D, E and F hereof (incorporated herein as §§ 1410.61 to 1410.66, inclusive) shall be the highest price contracted for or received by the seller for the sale or delivery during the period between October 1, 1941 and December 15, 1941, inclusive, of such wool or wool tops or yarns of the same class, kind, type, condition, and grade to a purchaser of the same general class: *Provided*, That if during said period no such sale or delivery were made, the maximum price shall be a price in line with the maximum prices for related kinds, types, conditions, and grades of such wool or wool tops or yarns, determined in accordance with this paragraph (b) (1), to a purchaser of the same general class.

(2) The maximum price for wool sold by the importer thereof shall be increased or decreased by an amount equal to the actual increase or decrease in war risk insurance rates and freight rates over those prevailing for wool of the same class, kind, type, condition and grade during said period: *Provided*, That on shipments evidenced by an ocean bill of lading or similar shipping document dated September 30, 1942, or later, war risk insurance rates computed under this section shall not exceed the rates for war risk insurance written by the War Shipping Administration on an identical shipment: *Provided further*, That in all cases where the maximum price is so increased, an invoice or similar document shall be delivered to the purchaser showing the amount of such increase.

[Paragraph (2) as amended by Amendment 8, 7 F.R. 7602]

(3) The seller's maximum price for wool or wool tops or yarns which cannot be determined in accordance with

subparagraph (1) of this paragraph shall be a price in line with the level of maximum prices established by this Revised Price Schedule No. 58, as amended, which shall be determined by the seller after specific authorization from the Office of Price Administration.

A seller who seeks to determine a maximum price in accordance with this subparagraph (3) shall file with the Office of Price Administration in Washington, D. C., an application setting forth: (i) a description in detail of the wool or wool tops or yarns for which a maximum price is sought; and (ii) a statement of the reasons why such wool, wool tops, or yarns cannot be priced under subparagraph (1) of paragraph (b) of this section; (iii) the maximum price for the most nearly comparable wool or wool tops or yarns and a statement of the characteristics which differentiate the wool or wool tops or yarns for which a maximum price is sought; (iv) such other information as may be required by the Office of Price Administration.

If such authorization is given it will be accompanied by instructions as to the method of determining the maximum price. Within ten days after such price has been determined, the seller shall report the price to the Office of Price Administration in Washington, D. C. The price reported shall be subject to adjustment at any time by the Office of Price Administration.

[Paragraph (3) added by Amendment 9, 7 F.R. 7945]

(c) On and after March 27, 1942, notwithstanding the provisions of paragraphs (a) and (b) above, no person shall sell, offer to sell, deliver or transfer wools or wool tops or yarns of the types and grades enumerated in Appendices A, B, C, D, E, and F hereof, incorporated herein as §§1410.61 to 1410.66, inclusive, and no person shall buy, offer to buy, or accept delivery or transfer of such wools or wool tops or yarns at prices higher than the maximum prices set forth in Appendices A, B, C, D, E, and F: *Provided*, That contracts entered into prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(d) Sales at retail are exempted from the operation of Revised Price Schedule No. 58, as amended.

(e) The maximum prices determined in accordance with this Revised Price Schedule No. 58, as amended, shall be the maximum prices for all transactions except

(1) The maximum prices for grease wool futures contracts traded on the Wool Associates of the New York Cotton Exchange, Inc. shall be 103.5 cents per pound;

(2) The maximum price applicable to deliveries of grease wool on said Exchange shall be the seller's maximum price³ determined in accordance with paragraph (b) or (c) of this section: *Provided*, That for the purposes of this subparagraph (2) the price of the fu-

³ Determined by the seller in good faith prior to final grading and appraisal by Exchange inspectors.

tures selling contract shall determine the price at which such wool is so delivered;

(3) The maximum price for grease wool sold by a person who received delivery of such wool on said Exchange shall be the higher of (i) the seller's maximum price for such wool determined in accordance with paragraph (b) or (c) of this section, or (ii) the price at which such person purchased the futures contract pursuant to which delivery of such wool was made; and

[Paragraphs (1), (2), and (3) as amended by Amendments 6 and 7, 7 F.R. 5512, 6494]

(4) The maximum price for wool top futures contracts on said Exchange shall be 140 cents per pound; except that such maximum price shall be increased or decreased by one cent per pound for each 1% that the war risk insurance rate on insurance written by the War Shipping Administration on wool imported from Australia to the east coast prevailing on the date such contract is made is, respectively, above or below 7½%: *Provided*, That contracts entered into prior to December 18, 1941, calling for a price higher than the maximum price may be carried out at the contract price: *Provided further*, That wool top futures contracts entered into after December 18, 1941 at a price no higher than the maximum price determined in accordance with this Revised Price Schedule No. 58, as amended, on the date such contract was made may be carried out at the contract price.

[Paragraph (4) as amended by Amendments 8 and 11, 7 F.R. 7602, 10257]

§ 1410.51a *Maximum prices for sales and deliveries of certain wool fabrics to the United States Government and agencies thereof*—(a) *Sales and deliveries of 10½ oz. shirting flannel to the United States Army.* (1) On and after July 1, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver, or offer to sell or deliver to the United States Army 10½ oz. shirting flannel of the specifications set forth in United States Army Requisition No. 8-54C at a price higher than the applicable maximum price set forth in subparagraph (2) below.

(2) The maximum prices for sales and deliveries to the United States Army of 10½ oz. shirting flannel of the specifications set forth in United States Army Requisition No. 8-54C shall be as follows:

	Sales and deliveries by integrated mills	Sales and deliveries by non-integrated mills
100% domestic wool.....	\$2.13	\$2.17
50% domestic, 50% foreign wool.....	2.10	2.14
100% foreign wool.....	2.07	2.11

The maximum prices for such shirting flannel in other proportions of foreign and domestic wool shall be determined in proportionate relation to the maximum prices set forth above.

(3) The provisions of this section supersede the provisions of the General

Maximum Price Regulation⁴ with respect to sales and deliveries for which maximum prices are established by this section.

[§ 1410.51a added by Amendment 3, 7 F.R. 4117 and amended by Amendment 4, 7 F.R. 4296]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

[NOTE: Supplementary Order No. 34 (7 F.R. 10779) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1410.52 *Less than maximum prices.* Lower prices than the maximum prices established by Revised Price Schedule No. 58, as amended, may be charged, demanded, paid or offered.

§ 1410.53 *Evasion.* The price limitations set forth in Revised Price Schedule No. 58, as amended, shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wool or wool tops or yarns, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by any other means.

§ 1410.54 *Records and reports.* (a) Every person making purchases or sales of wool or wool tops or yarns in the course of trade or business after December 17, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such purchase and sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received and the quantity of each class, kind, type, condition and grade of wool or wool tops or yarns sold.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may, from time to time, require or permit.

§ 1410.55 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 58, as amended, are subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 58, as amended, or any price schedule, regulation or order issued by the

⁴ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848.

Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

[§ 1410.55 as amended by Supplementary Order 3, 7 F.R. 2132]

[NOTE: The provisions of Supplementary Order No. 36 (8 F.R. 1798), licensing sellers of yarns, textiles, textile products and services relating thereto, are applicable to sellers whose sales are subject to Revised Price Schedule No. 58, as amended.]

§ 1410.56 *Petitions for amendment and adjustment.* (a) Any person seeking an amendment of any provision of this Revised Price Schedule No. 58, as amended, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[Paragraph (a) as amended by Supplementary Order 26, 7 F.R. 8948]

(b) A seller who claims that his maximum price established by § 1410.51 (b) (1) is abnormally low in relation to the maximum prices prevailing in the same or nearest competitive area for wool or wool tops or yarns of the same or similar class, kind, type, condition and grade sold by other sellers of the same general class to purchasers of the same general class, may file a petition for adjustment of that maximum price in accordance with Procedural Regulation No. 1⁵: *Provided*, That until such time as an order of adjustment is issued by the Office of Price Administration the seller shall comply with his maximum price for such wool or wool tops or yarns established by § 1410.51 (b) (1). No application for adjustment filed after November 15, 1942, will be granted under this paragraph (b).

[Paragraph (b) added by Amendment 2; amended by Amendment 10, 7 F.R. 3271, 8941]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Supplementary Order No. 9 (7 F.R. 5444) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those on scrap, waste, and salvage materials.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1410.57 *Definitions.* (a) When used in Revised Price Schedule No. 58, as amended, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

⁵ Revised: 7 F.R. 8961; 8 F.R. 3313, 3533.

(2) "Wool" means the fibers from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat or of the camel, alpaca, llama or vicuna, and shall include noils, except that sales of unscoured wool shorn from sheep or lambs in the continental United States are excepted from the operation of this Revised Price Schedule No. 58, as amended.

[Paragraph (2) as amended by Amendment 1, 7 F.R. 3088]

(3) "Wool tops" means tops made wholly or in part of wool;

(4) "Yarns" means yarns containing 10% or more wool by fiber weight, except (i) imported yarns and (ii) yarns dyed and converted for the handknitting trade.

[Paragraph (4) as amended by Amendment 7, 7 F.R. 6494]

(5) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for resale or commercial user shall be deemed to be an ultimate consumer.

(6) "War risk insurance written by the War Shipping Administration" means the basic war risk coverage and the extended transshipment coverage provided by the War Shipping Administration.

[Paragraph (6) added by Amendment 8, 7 F.R. 7602]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1410.59 *Effective date of Price Schedule No. 58.* Price Schedule No. 58 (§§ 1354.1 to 1354.9, inclusive) shall become effective December 18, 1941.

[Issued March 27, 1942]

§ 1410.60 *Effective dates of amendments.* (a) Revised Price Schedule No. 58, as amended, (§§ 1410.51-1410.66, inclusive) shall become effective March 27, 1942: *Provided*, That firm commitments entered into after December 17, 1941 and prior to March 27, 1942, for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Revised Price Schedule No. 58, may be completed at contract prices.

Amendment Nos. and issue dates:

Amendment Nos. and issue dates:	Effective
Correction, issuance, 4-1-42	3-27-42
Amendment 1, 4-24-42	4-28-42
Amendment 2, 4-30-42	5-2-42
Amendment 3, 5-28-42	7-1-42
Amendment 4, 6-4-42	7-1-42
Amendment 5, 6-5-42	6-10-42
Amendment 6, 7-16-42	7-20-42
Amendment 7, 8-17-42	8-22-42
Amendment 8, 9-24-42	9-30-42
Amendment 9, 10-5-42	10-8-42
Amendment 10, 11-2-42	11-4-42
Amendment 11, 12-7-42	12-12-42
Amendment 12, 2-9-43	2-9-43
Amendment 13, 5-6-43	5-12-43

(b) Amendment No. 13 (§ 1410.65 (e) and (f)) to Revised Price Schedule No. 58, as amended, shall become effective May 12, 1943: *Provided*, That any con-

tract for the importation of any of the types of wool covered by this Amendment No. 13 which was entered into prior to May 12, 1943, at a price not in excess of the then applicable maximum price and for which an irrevocable letter of credit was issued prior to May 12, 1943, may be completed at the contract price.

§ 1410.61 *Appendix A; Maximum prices for domestic pulled wools.* The prices set forth below are maximum prices for domestic pulled wools of average to good character. The maximum prices for wools of choice character, for off color wools and for inferior wools shall be determined in accordance with paragraphs (b), (c) and (d) of this section.

All maximum prices are prices per pound f. o. b. shipping point and shall include all commissions and other charges except as provided in paragraph (e) of this section. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(a) *Wools of average to good character—(1) Worst type.*

Grade and lengths	Clean basis	Scoured
70s, 2 inches and longer.....	\$1.22	\$1.28
64s and finer:		
2½ inches and longer.....	1.20	1.26
1½ to 2½ inches.....	1.15	1.21
60s, 64s:		
2½ inches and longer.....	1.18	1.24
1½ to 2½ inches.....	1.12	1.18
60s:		
3 inches and longer.....	1.16	1.21
1½ to 3 inches.....	1.13	1.19
58s:		
3 inches and longer.....	1.12	1.17
2 to 3 inches.....	1.08	1.13
56s:		
3½ inches and longer.....	1.08	1.13
2 to 3½ inches.....	1.04	1.09
50s, 56s:		
3½ inches and longer.....	1.04	1.09
2 to 3½ inches.....	1.00	1.05
45s:		
4 inches and longer.....	1.02	1.07
2 to 4 inches.....	.95	1.00
45s:		
4 inches and longer.....	.98	1.03
45s:		
4 inches and longer.....	.94	.99
44s to 50s:		
4 inches and longer.....	.92	.97

(2) *Woolen type.*

Grade and lengths	Clean basis	Scoured
64s—Under 1½ inches.....	\$1.12	\$1.18
60s, 64s—Under 1½ inches.....	1.09	1.15
60s—Under 1½ inches.....	1.07	1.13
58s—Under 2 inches.....	1.04	1.10
56s—Under 2 inches.....	1.00	1.05
50s, 56s—Under 2 inches.....	.96	1.01
48s—Under 2 inches.....	.92	.97
45s—Under 4 inches.....	.93	.98
46s—Under 4 inches.....	.91	.96
44s to 50s—Under 4 inches.....	.90	.95

(b) *Wools of choice character.* The maximum prices for pulled wools of choice character shall be the maximum prices set forth above, plus the following amounts:

(1) Grades 70s to 58s inclusive..... \$0.03
 (2) Grades 56s to 48s inclusive..... .05
 (3) Grades 46s and coarser..... .08

(c) *Off color pulled wools, choice character.*

Grade	Prices of Choice Wools	
	Clean basis	Scoured
BLACK		
60s, 64s.....	\$1.06	\$1.12
58s, 60s.....	1.02	1.07
56s, 58s.....	.97	1.02
GRAY		
60s, 64s.....	1.05	1.10
60s.....	1.02	1.07
56s, 58s.....	.95	1.00
56s, 50s.....	.88	.93
50s, 56s.....	.86	.91
48s, 50s.....	.84	.89
46s, 48s.....	.80	.85
40s, 44s.....	.58	.62
SHANK		
56s and finer.....	.85	.90
50s to 56s.....	.75	.80
44s to 50s.....	.70	.75

[Table as amended by Amendment 5, 7 F.R. 4299]

The maximum prices for Gray and Black wools of average character shall be 3 cents per pound less than the applicable maximum price for off color pulled wools of choice character set forth above.

(d) *Inferior pulled wools.* The maximum prices for inferior pulled wools shall be determined by deducting from the applicable maximum price for pulled wools of good character, set forth in paragraph (a) of this section the following amounts:

(1) Slightly stained wools—2 cents per lb.

(2) Yellow or heavily stained wools—5 cents per lb.

(3) Seedy or burry wools which, in accordance with established trade practice, do not require carbonizing, neutralizing and/or dusting, 3¢ per lb., after adjustment has been made for color in accordance with subparagraphs (1) and (2) above.

(4) Seedy or burry wools which, in accordance with established trade practice, require carbonizing, neutralizing and/or dusting, 10¢ per lb., after adjustment has been made for color in accordance with subparagraphs (1) and (2) above: *Provided*, That where such wools are sold in a carbonized, neutralized and/or dusted state the actual charges plus an allowance for actual shrinkage may be added to the maximum price so long as the charges and shrinkage allowance are set forth in the invoice or similar document delivered to the purchaser.

[Paragraph (d) as amended by Amendments 5 and 8, 7 F.R. 4299, 7602]

(e) *Brokers' commissions.* In cases where a purchaser or a seller of domestic pulled wool employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such services and added to the applicable maximum price. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if (1) the wool is purchased at a price not exceeding the applicable maximum price, (2) it is shown as a separate

charge on the invoice or similar document delivered to the purchaser, and (3) the commission is not split or divided with the seller or with an agent or an employee of the seller.

§ 1410.62 *Appendix B: Maximum prices for wool tops and noils—(a) Wool tops.* The prices set forth below are maximum prices for oil combed wool tops (15% regain, 3¼% oil and grease). The maximum prices for dry combed tops shall be the maximum prices set forth below plus 2¼%.

The maximum prices set forth below shall be adjusted to take into account

changes in war risk insurance rates in accordance with subparagraph (1) of this paragraph.

The maximum prices for wool tops made of blends of foreign and domestic wools or of different types of foreign wools shall be determined in accordance with subparagraph (2) of this paragraph.

All maximum prices are prices per pound f. o. b. combing plant and shall include all commissions and other charges except as provided in subparagraph (3) of this paragraph.

Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

WORSTED TOPS

Grades and staples	United States grown wool	Australian	Cape South Africa	Other foreign tops and blends	
				New Zealand, Montevideo, Punta Magallanes, Concordia, Corrientes	Buenos Aires, San Julian, Santa Cruz, Chubut, Cordelera, Rio Negro, Desado, Rio Gallegos, Brazilian, Chilian (Not Punta)
80s Average.....		\$1.54	\$1.54		
70s Warp.....		1.46	1.48		
64/70s.....		1.44	1.46		
70s Warp.....					
70s Average Texas.....	\$1.64				
70s French Combing Texas.....	1.60				
64s and Finer Warp.....	1.62	1.42	1.45	\$1.50	\$1.56
64s and Finer Average.....	1.60	1.40	1.43		1.54
64s French Combing.....	1.58	1.37	1.40	1.47	1.51
64s (6-8 months).....			1.37		
62s Warp.....	1.58	1.39	1.42	1.48	1.48
62s Average.....	1.56	1.37	1.40	1.46½	1.46½
62s French Combing.....	1.54	1.34	1.37	1.44	1.44
Fine Delaine.....	1.60				
60s Warp.....	1.55	1.35	1.38	1.45	1.46½
60s Average.....	1.52	1.33	1.36	1.43	1.45
58s Warp.....	1.46	1.27	1.30	1.40	1.40
58s Knitting.....	1.43	1.24	1.27	1.37	1.36
56s Warp.....	1.39	1.23	1.26	1.29	1.33
56s Knitting.....	1.36	1.21	1.23	1.26	1.30
50/56s Warp.....	1.31	1.20		1.27	1.28
50/56s Knitting.....	1.29			1.24	1.25
50s Warp.....	1.27	1.18		1.25	1.24
50s Knitting.....	1.25	1.15	1.18	1.22	1.21
46/50 Knitting.....				1.18	1.18
46/48 Warp.....	1.21	1.08		1.16	1.19
46/48 Knitting.....	1.20			1.13	1.16
British.....	1.08	1.01			
46s Warp.....				1.08	1.06
44s Warp.....		.85		.96	.85
40/44s Knitting.....				.89	
44s Second Clip.....					.83
40s Warp.....				.85	.84
40s Second Clip.....					.63
36/40s Warp.....				.82	.63
36/40s Second Clip.....					.62

(1) *Adjustments for increases or decreases in war risk insurance rates.* (i) The maximum prices set forth above for tops made of South American wools of 56's grade or finer shall be increased or decreased by one cent per pound for each 1% that the war risk insurance rate on insurance written by the War Shipping Administration prevailing on the date the contract of sale is made is, respectively, above or below 2½%. For grades coarser than 56's such adjustment shall be one-half cent per pound for each 1% increase or decrease in such war risk insurance rate.

(ii) The maximum prices set forth above for tops made of Australian or New Zealand wools of 56's grade or finer shall be increased or decreased by one cent per pound for each 1% that the war risk insurance rate on insurance written by the War Shipping Administration prevailing on the date the contract of sale is made is, respectively, above or below

7½%. For grades coarser than 56's such adjustment shall be one-half cent per pound for each such 1% increase or decrease in such war risk insurance rate.

(iii) The maximum prices set forth above for tops made of South African wools of 56's grade or finer shall be increased or decreased by one cent per pound for each 1% that the war risk insurance rate on insurance written by the War Shipping Administration prevailing on the date the contract of sale is made is, respectively, above or below 4%. For grades coarser than 56's such adjustment shall be one-half cent per pound for each such 1% increase or decrease in such war risk insurance rate.

[Paragraph (1) as amended by Amendment 8, 7 F.R. 7602]

(2) *Maximum prices for wool tops made of blends of foreign and domestic wools or of different types of foreign wools.* In cases where wool tops are made of blends of foreign and domestic

wools or of different types of foreign wools, as classified by place of origin in the table above, the maximum prices for such blends shall be based upon the applicable maximum prices for the unblended wool tops set forth above weighted in proportion to the amounts of such different types of wools contained in the blended top.

(3) *Brokers' commissions.* In cases where a purchaser or a seller of wool tops employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such service and added to the applicable maximum price. A commission may not be charged to both buyer and seller on the same lot of wool tops. Such commission shall be payable only if (1) the wool tops are purchased at a price not exceeding the applicable

maximum price, (ii) it is shown as a separate charge on the invoice or similar document delivered to the purchaser, and (iii) the commission is not split or divided with the seller or with an agent or employee of the seller.

(4) *Cut tops.* The maximum price for cut tops shall be the applicable maximum price for the wool top plus two and one-fourth cents per pound.

[Paragraph (4) added by Amendment 8, 7 F.R. 7602]

(b) *Wool noils.* The prices set forth below are maximum prices for wool noils in cents per pound ex combing plant or ex warehouse, or ex carbonizing plant, and shall include all commissions and other charges except as provided in subparagraph (3) of this paragraph (b). Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

NOBLE AND LISTER NOILS

Grades	Average to good noils not processed	Carbonized only clean basis	Carbonized neutralized clean basis	Carbonized dusted	Carbonized neutralized dusted	Carbonized neutralized dusted depitched
70s.....	\$0.78	\$0.86	\$0.89	\$0.92	\$0.95	\$1.02
64s.....	.75	.83	.86	.89	.92	.99
60s, 64s.....	.74	.81	.84	.87	.90	.97
60s.....	.73	.80	.83	.86	.89	.96
58s.....	.70	.78	.81	.84	.87	.94
56s, 58s.....	.68	.76	.79	.82	.85	.92
56s.....	.66	.74	.77	.80	.83	.90
50s, 56s.....	.63	.71	.74	.77	.80	.87
50s.....	.61	.69	.72	.75	.78	.85
48s.....	.59	.67	.70	.73	.76	.83
46s.....	.58	.65	.68	.71	.74	.81
26s, 40s, 44s.....	.57	.63	.66	.69	.72	.79

FRENCH NOILS

70s.....	\$0.67	\$0.74	\$0.77	\$0.80	\$0.83	\$0.90
64s.....	.64	.71	.74	.77	.80	.87
60s, 64s.....	.62	.69	.72	.75	.78	.85
60s.....	.61	.68	.71	.74	.77	.84
58s.....	.58	.65	.68	.71	.74	.81
56s, 58s.....	.55	.62	.65	.68	.71	.78
56s.....	.52	.59	.62	.65	.68	.75
50s.....	.51	.58	.61	.64	.67	.74
48s.....	.48	.55	.58	.61	.64	.71
46s.....	.46	.53	.56	.59	.62	.69
26s, 40s, 44s.....	.42	.50	.53	.56	.59	.66

COLORED NOILS

RECOMBED WHITE NOILS			Noble and lister			
Grades	Noble and lister	French	First combing		Recombed	
			Mixed shades	Solid shades, khaki, pastel	Mixed shades	Solid shades, khaki, pastel
64s, 70s.....	\$0.95	\$0.83				
60s, 64s.....	.90	.78				
56s, 58s.....	.84	.74				
50s, 56s and lower.....	.73	.68				
NATURAL GREY NOILS			French			
Grades	Noble and lister	French	First combing		Recombed	
			Mixed shades	Solid shades, khaki, pastel	Mixed shades	Solid shades, khaki, pastel
64s, 70s.....	\$0.57	\$0.65	\$0.62	\$0.70		
60s, 64s.....	.52	.60	.57	.65		
56s, 58s.....	.47	.55	.52	.60		
50s, 56s and lower.....	.45	.53	.50	.58		
			French			
Grades	Noble and lister	French	First combing		Recombed	
			Mixed shades	Solid shades, khaki, pastel	Mixed shades	Solid shades, khaki, pastel
64s, 70s.....	\$0.50	\$0.58	\$0.55	\$0.63		
60s, 64s.....	.46	.54	.51	.59		
56s, 58s.....	.42	.50	.47	.55		
50s, 56s and lower.....	.37	.45	.42	.50		

The maximum price for Recombed White Noils, Natural Grey Noils or Colored Noils which are carbonized only; carbonized and neutralized; carbonized

and dusted; carbonized, neutralized and dusted; or carbonized, neutralized, dusted and depitched shall be a price in line with the maximum prices set forth

above for the most closely related class, kind, type, condition and grade of Noble, Lister and French Noils on which the same processes have been performed.

(1) *Noils of choice character.* The maximum prices for noils of choice character shall be the maximum prices set forth above plus the following amounts:

70s to 58s, inclusive..... 2c
All other grades..... 3c

(2) *Maximum prices for blends.* The maximum price per pound for a blend of Noble and/or Lister noils with other types and kinds of noils shall be the sum of the maximum prices for the total quantity of each class, kind, type, condition, and grade of noils included in the blend divided by the total number of pounds in the blend.

(3) *Brokers' commissions.* In cases where a purchaser or a seller of wool noils employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such service and added to the applicable maximum price. A commission may not be charged to both buyer and seller on the same lot of wool noils. Such commission shall be payable only if: (i) the wool noils are purchased at a price not exceeding the applicable maximum price; (ii) it is shown as a separate charge on the invoice or similar document delivered to the purchaser; and (iii) the commission is not split or divided with the seller or with an agent or employee of the seller.

(4) *Invoices.* After June 9, 1942, every person making a sale of noils for which maximum prices are established in this appendix shall deliver to the purchaser an invoice or similar document which shall show, in addition to the other items specifically required in this Revised Price Schedule No. 58, as amended: (i) the class, kind, type, condition and grade of noils shipped or delivered, indicating the processes to which they were subjected; (ii) the selling-price per pound; and (iii) if the sale was of a blend, the quantity of each class, kind, type, condition and grade of noil included.

[Paragraph (b) as amended by Amendments 5, 6, and 8, 7 F.R. 4299, 5512, 7602]

§ 1410.63 *Appendix C: Maximum prices for scoured domestic shorn wools.* The prices set forth in paragraph (a) below are maximum prices, f. o. b. Eastern Seaboard, for domestic shorn wools of average to good character sold in the scoured state. The maximum prices for such wools of choice character, for inferior wools and for carbonized, neutralized, dusted or depitched wools shall be determined in accordance with paragraphs (b), (c), (d) and (e) of this section. All maximum prices are prices per pound and shall include all commissions and other charges except as provided in paragraph (g) of this section. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(a) *Wools of average to good character.*

	Scoured wools, prices per pound	
	Sorted	Unsorted
WORSTED TYPE, GRADE AND LENGTHS		
Fine, 70s, 2 inches and longer.....	\$1.29	\$1.26
Fine, 64s and finer:		
2½ inches and longer.....	1.27	1.24
1½ to 2½ inches.....	1.22	1.19
½ Blood and Fine, 60s, 64s:		
2½ inches and longer.....	1.25	1.22
1½ to 2½ inches.....	1.20	1.17
½ Blood 60s:		
3 inches and longer.....	1.24	1.21
1½ to 3 inches.....	1.20	1.17
½ Blood 58s:		
3 inches and longer.....	1.17	1.14
2 to 3 inches.....	1.14	1.11
½ Blood 56s:		
3½ inches and longer.....	1.12	1.09
2 to 3½ inches.....	1.09	1.06
½ Blood 50s:		
4 inches and longer.....	1.03	1.00
2 to 4 inches.....	1.00	.97
½ Blood 48s:		
4 inches and longer.....	1.00	.97
2 to 4 inches.....	.98	.95
Low ½ Blood 46s:		
5 inches and longer.....	.98	.95
3 to 5 inches.....	.96	.93
Under 3 inches.....	.94	.91
Common and Braid, 36s, 40s, 44s:		
5 inches and longer.....	.99	.96
Under 5 inches.....	.94	.91
WOOLEN TYPE, GRADE AND LENGTHS		
Fine, 64s, under 1½ inches.....	1.17	1.14
½ Blood, 60s, under 1½ inches.....	1.14	1.11
½ Blood, 58s, under 2 inches.....	1.00	1.06
½ Blood, 56s, under 2 inches.....	1.04	1.01
½ Blood, 50s, under 2 inches.....	.97	.95
½ Blood, 48s, under 2 inches.....	.96	.94

(b) *Wools of choice character.* The maximum prices for wools of choice character shall be the maximum prices set forth above plus the following amounts:

	Cents per pound
(1) Grades 70s to 58s, inclusive.....	3
(2) Grades 56s to 48s, inclusive.....	5
(3) Grades 46s and coarser.....	8

(c) *Inferior wools.* The maximum prices for inferior wools shall be determined by deducting from the applicable maximum prices for wools of average to good character, set forth in paragraph (a) of this section, the following amounts:

- (1) Slightly stained wools, 2¢ per lb.
- (2) Yellow or heavily stained wools, 5¢ per lb.

(3) Seedy or burry scoured wools not requiring carbonizing,* and cotts, 3¢ per lb., after adjustment has been made for color in accordance with (1) and (2) above.

(4) Seedy or burry scoured wools requiring carbonizing,* 10¢ per lb., after adjustment has been made in accordance with (1) and (2) above.

* According to established trade practice.

- (5) Black or grey wools, 20¢ per lb.
- (6) Dead wools, 25¢ per lb.
- (7) Karkakul wools, 35¢ per lb.
- (8) Wool containing fibers of sisal or binder twine, 10¢ per lb.
- (9) Improved Navajo wools, 5¢ per lb.
- (10) Unimproved Navajo wools, 10¢ per lb.

(d) *Carbonized, neutralized and/or dusted wools.* The maximum prices for carbonized, neutralized and dusted wool shall be determined by adding 5¢ to the applicable maximum price for scoured wool of average to good character set forth in paragraph (b) of this section. The maximum price for wool carbonized only, carbonized and neutralized, or carbonized and dusted shall be reduced to a price in line with the maximum price for the same class, kind, type, condition and grade of wool carbonized, dusted and neutralized.

(e) *Depitched wools.* If the wools are depitched, 7¢ per lb. may be added to the applicable maximum price after adjustment for carbonizing, neutralizing and dusting.

(f) *Wools sold in lots containing mixed grades and lengths.* When scoured domestic shorn wools are sold in lots containing different grades or lengths, the amounts of each grade and length included shall be determined by grading a sample portion of the lot or by an estimate made in accordance with established trade practices, and the maximum price for the quantity sold shall be based upon the applicable maximum price for each grade or length included.

(g) *Brokers' commissions.* In cases where a purchaser or a seller of scoured domestic shorn wool employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such services and added to the applicable maximum price set forth above. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if: (1) the wool is purchased at a price not exceeding the maximum price established by Revised Price Schedule No. 58, as amended, (2) it is shown as a separate charge on the invoice or similar document delivered to the purchaser and (3) the commission is not split or divided with the seller or with an agent or an employee of the seller. No such commission may be charged and added to the maximum price by cooperative marketing associations or other persons making sales of wool held on consignment from the grower.

(h) *Invoices.* After June 9, 1942, every person making a sale of scoured domestic shorn wools shall deliver to the purchaser an invoice or similar document which shall show, in addition to the other items specifically required in this Revised Price Schedule No. 58, as amended: (1) the class, kind, type, condition and grade of wool sold; and (2) the price contracted, received or paid therefor, indicating separately any adjustments made for processing or choice or inferior wools in conformity with the provisions of this appendix.

[§ 1410.63 as amended by Amendments 5 and 7, 7 F.R. 4299, 6494]

§ 1410.64 *Appendix D: Maximum prices for wool yarns.* The maximum prices for Bradford weaving yarns, Bradford knitting yarns and French spinning yarns are set forth below in paragraphs (a), (b) and (c). In paragraphs (d) and (e) below, there are set forth the provisions for determining the maximum prices for yarns spun from blended foreign and domestic wool, and for yarns spun from blended wool and other fibres.

The maximum prices set forth below are for Bradford weaving yarns and Bradford knitting yarns with a regain not to exceed 13% and a maximum oil content of 4% and for French spinning yarns with a maximum regain of 15%.

(a) *Bradford weaving yarns.* The prices set forth below are maximum prices per pound, f. o. b. shipping point, for Bradford weaving yarns of the base count of 2/30s on Dresser spools or skeins. The maximum prices for yarns of other counts, for yarns on cones or cheeses and for yarns sold in the dyed state shall be determined in accordance with subparagraphs (1), (2) and (3) of this paragraph.

Terms of sale shall be cash less 2% up to 10 days or 60 days net cash.

Base count 2/30s on dresser spools or skeins

	70s	64s	62s	60s	58s	56s	50s	46/48s	46s	44s	40s
Domestic.....	\$2.375	\$2.325	\$2.275	\$2.25	\$2.15	\$2.05	\$1.875	\$1.775			
Foreign.....	2.175	2.10	2.05	2.00	1.95	1.925	1.85	1.75	\$1.675	\$1.425	\$1.30

(1) (i) The maximum prices for Bradford weaving yarns of counts above 2/30s shall be the maximum prices set forth above to which shall be added:

- 1½¢ per count for each count from 2/31s to 2/40s.
- 2¢ per count for each count from 2/41s to 2/50s.
- 2½¢ per count for each count from 2/51s to 2/60s.

(ii) For counts less than 2/30s, one cent per count shall be subtracted for each count for 2/29s to 2/20s; yarns of counts below 2/20s shall have the same maximum prices as 2/20s.

(2) (i) For yarns delivered on cones or cheeses the maximum prices shall be two cents per pound less than the applicable maximum price for yarns delivered on Dresser spools or skeins.

(ii) The maximum prices for single yarns on cones, cheeses, and Dresser spools shall be the maximum prices for two ply yarns of the same count, on Dresser spools or skeins.

(iii) The maximum price for single yarn on spinning bobbins shall be 5 cents less than for two ply yarn of the same count on Dresser spools or skeins.

(3) The maximum prices for yarns sold in the dyed state shall be the applicable maximum price set forth above plus the following premiums:

Single combed black and white mixtures and solid colors.....	17½¢ per lb.
Double combed fancy mixes and solid colors.....	25¢ per lb.
Double combed double and twist.....	27½¢ per lb.
Double combed uniform twists.....	27½¢ per lb.
Blended yarns dyed.....	22½¢ per lb.

(b) *Bradford knitting yarns.* The prices set forth below are maximum prices per pound, f. o. b. shipping point, for Bradford knitting yarns of the base counts of 2/18 to 2/20s in skeins. The maximum prices for yarns of other counts, for yarns reeled to weight, for single yarns on cones, and for yarns sold in the dyed state shall be determined in accordance with subparagraphs (1), (2), (3) and (4) of this paragraph.

Terms of sale shall be cash less 3% up to 10 days, 2% up to 70 days and net cash thereafter.

(2) The maximum prices for yarns sold on cones shall be the applicable maximum price set forth above plus the following premiums:

5¢ per pound for 1/20s or lower.
6¢ per pound for 1/21s to 1/30s.
7¢ per pound for 1/31s to 1/40s.
8¢ per pound for 1/41s to 1/50s.
10¢ per pound for 1/51s to 1/60s.
12½¢ per pound for 1/61s to 1/70s.

(3) The maximum prices for single yarns sold on Dresser spools shall be the applicable maximum price set forth plus the following premiums:

7¢ per pound for 1/20s or lower.
8¢ per pound for 1/21s to 1/30s.
9¢ per pound for 1/31s to 1/40s.
10¢ per pound for 1/41s to 1/50s.
12¢ per pound for 1/51s to 1/60s.
14½¢ per pound for 1/61s to 1/70s.

(4) The maximum prices for single yarns sold in skeins shall be the applicable maximum price set forth plus the following premiums:

8¢ per pound for 1/20s or lower.
9¢ per pound for 1/21s to 1/30s.
10¢ per pound for 1/31s to 1/40s.
11¢ per pound for 1/41s to 1/50s.
13¢ per pound for 1/51s to 1/60s.
15½¢ per pound for 1/61s to 1/70s.

(5) The maximum prices for twisted yarns shall be the applicable maximum price set forth above plus the following premiums:

11¢ per pound for 2/20s.
13¢ per pound for 2/21s to 2/24s.
14¢ per pound for 2/25s and 2/26s.
15¢ per pound for 2/27s to 2/30s.
17½¢ per pound for 2/31s to 2/40s.
20¢ per pound for 2/41s to 2/50s.
24¢ per pound for 2/51s to 2/55s.
28¢ per pound for 2/56s to 2/60.

(6) The maximum prices for single warp yarns sold on cops shall be the applicable maximum price set forth plus the following premiums:

2½¢ per pound for 1/20s to 1/24s.
3¢ per pound for 1/25s to 1/30s.
4¢ per pound for 1/31s to 1/34s.

(7) The maximum prices for French yarns sold in the dyed state shall be the applicable maximum price set forth above plus the following premiums:

Cents	
Single combed black and white mixtures and solid colors.....	17½
Double combed fancy mixes and solid colors.....	25
Double combed double and twist.....	27½
Double combed uniform twists.....	27½
In skeins.....	17½
For blended yarn in skeins.....	22½

(d) *Yarns spun from blended foreign and domestic wool.* When yarns are spun from blended foreign and domestic wool, the maximum price shall be a price reduced from the applicable maximum price for yarns spun from domestic wool toward the applicable maximum price for yarns spun from foreign wool, in proportion to the percentage of foreign wool in the blend.

(e) *Yarns spun from blended wool and other fibers—(1) Blended yarns spun on*

Base counts 2/18 to 2/20s in skeins

	36/40s	40s	40/44s	44s	50s	50/56s	56s	58s	60s	62s	64s	70s
Domestic.....					\$1.775	\$1.85	\$1.90	\$2.00	\$2.10	\$2.15	\$2.20	\$2.25
Foreign.....	\$1.20	\$1.25	\$1.375	\$1.425		1.75	1.825	1.85	1.925	1.95	2.00	2.05

(1) (i) The maximum prices for Bradford knitting yarns of counts above 2/20s shall be the maximum prices set forth above to which shall be added:

1¼¢ per count for each count from 2/21s to 2/30s.
1½¢ per count for each count from 2/31s to 2/40s.
2¢ per count for each count from 2/41s to 2/50s.

(ii) For counts less than 2/18s, one-half cent per count shall be subtracted for each count to 2/8s.

(2) The maximum prices for single yarns on cones shall be the maximum prices for two ply yarns of the same count on skeins.

(3) The following premiums may be added to the applicable maximum price for Bradford knitting yarns reeled to weight:

2½¢ per pound for 2 oz. skeins.
5¢ per pound for 1 oz. skeins.
12¢ per pound for skeins under 1 oz.

(4) The maximum prices for yarns sold in the dyed state shall be the applicable maximum prices set forth above plus the following premiums:

17½¢ per pound for 100% worsted yarns.
22½¢ per pound for blended yarns.

(c) *French spinning yarns.* The prices set forth below are maximum prices per pound, f. o. b. shipping point, for French spinning yarns of the base count of 1/30s on cops. The maximum prices for yarns of other counts, for coning, for twisting and for yarns sold in the dyed state shall be determined in accordance with subparagraphs (1), (2), (3), (4), (5), (6) and (7) of this paragraph.

Terms of sale shall be as follows: Underwear and hosiery yarns—cash less 2% up to 10 days E. O. M., net cash thereafter.

Weaving yarns—cash less 2% up to 10 days or 60 days net cash.

Outerwear yarns—cash less 3% up to 10 days, 2% up to 70 days and net cash thereafter.

Base count: 1/30s on cops

	70s	64s	62s	60s	58s	56s	50s
Domestic.....	\$2.275	\$2.225	\$2.175	\$2.125	\$2.025	\$1.95	\$1.825
Foreign.....	2.075	2.00	1.95	1.90	1.85	1.825	1.775

(1) (i) The maximum prices for French spinning yarns of counts above 1/30s shall be the maximum prices set forth above to which shall be added:

1¢ per count for each count from 1/31s to 1/40s.
1½¢ per count for each count from 1/41s to 1/50s.

2¢ per count for each count from 1/51s to 1/60s.

2½¢ per count for each count from 1/61s to 1/70s.

(ii) For counts less than 1/30s, one-half cent per count shall be subtracted for each count from 1/29s to 1/20s; yarns of counts below 1/20s shall have the same maximum price as 1/20s.

the woolen or worsted systems. Where yarns are spun from blended wool and other fibers on the woolen or worsted systems the maximum price shall be a price reduced from the applicable maximum price for yarns spun from wool by the amount thereby saved in raw material costs. In computing such costs the following percentages of the costs of the raw materials shall be added to cover losses due to waste:

Up to 20% wool content add 10%.
From 21% to 40% wool content add 8%.
From 41% to 80% wool content add 6%.
From 81% to 95% wool content add 4%.

Where yarns are spun from blended wool and mohair on the woolen or worsted systems the maximum price shall be a price reduced from the applicable maximum price for yarns spun from wool by the amount thereby saved in raw material costs. The amount saved in raw material cost shall be the difference between the actual price paid for the mohair top used and the maximum price for that portion of wool tops for which the mohair is substituted.

(2) *Blended yarns spun on a system other than the woolen or worsted system*—(i) *Maximum prices for 50% wool and 50% cotton merino yarns, carded or combed, spun on the cotton system.* The maximum prices set forth below for the following types of merino yarns spun on the cotton system include freight up to one cent per pound to the purchaser's place of business. If the seller does not pay such freight the maximum price shall be that shown herein less freight up to one cent per pound at the lowest published rate. Terms of sale shall be 2% up to 15 days or 30 days net cash.

Cotton count	Type	Price per pound
10/1	50% domestic wool, 50% cotton, carded.	\$1.26
10/1	25% domestic wool, 25% foreign wool, 50% cotton, carded.	1.23
10/1	50% foreign wool, 50% cotton, carded.	1.20
10/1	50% domestic wool, 50% cotton, combed.	1.34
10/1	25% domestic wool, 25% foreign wool, 50% cotton, combed.	1.31
10/1	50% foreign wool, 50% cotton, combed.	1.28

The maximum prices for single merino yarns of one of the above type of counts above 10/1s shall be the maximum prices set forth above to which shall be added:

¼ cent per pound for each count to 20/1s, inclusive.
½ cent per pound for each count from 21/1s to 50/1s, inclusive.

The maximum prices for single merino yarns of one of the above types of counts less than 10/s shall be the maximum prices set forth from which shall be deducted ¼ cents per pound for each count.

(ii) *Maximum prices for other blended yarns spun on a system other than the*

woolen or worsted system. Except for the types of yarns enumerated in subdivision (i) above the maximum price for yarns spun from blended wool and other fibers on a system other than the woolen or worsted system shall be determined in accordance with the General Maximum Price Regulation or, where applicable, Maximum Price Regulation No. 157.

[Paragraph (e) as amended by Amendment 12, 8 F.R. 1859]

(f) *Woolen sales yarns.* The maximum prices for woolen sales yarns shall be determined in accordance with subparagraphs (1), (2), (3) and (4) of this paragraph. All such prices shall be f. o. b. shipping point with terms of sale as follows:

Weaving yarns—cash 2% up to 10 days or 60 days net cash.

Outerwear yarns—cash less 3% up to 10 days, 2% up to 70 days and net cash thereafter.

(1) *Woolen sales yarns sold on spinning cops.* The maximum prices for woolen sales yarns sold on spinning cops shall be determined by adding to the actual cost of the raw material used the applicable amount per pound set forth in the table below. In determining raw material costs, only the actual cost of the blended fibres plus a shrinkage allowance of not to exceed 10% may be used.

Base 2 run 38¢ per pound.
Base 2½ run 44¢ per pound.
Base 3 run 50¢ per pound.
Base 3½ run 56¢ per pound.
Base 4 run 62¢ per pound.
Base 4½ run 68¢ per pound.
Base 5 run 74¢ per pound.
Base 5½ run 80¢ per pound.
Base 6 run 86¢ per pound.

(2) *Woolen sales yarns sold on cones, tubes, Dresser spools or reelings.* The maximum prices for woolen sales yarns sold on cones, tubes, Dresser spools or reelings shall be the applicable maximum price for woolen sales yarns sold on spinning cops set forth in subparagraph (1) of this paragraph plus the following premiums:

3¢ per pound for 2 run or lower.
4½¢ per pound for 3 run or lower.
6¢ per pound for 4 run or lower.
7½¢ per pound for 5 run or lower.
9¢ per pound for 6 run or lower.

(3) *Twisted woolen sales yarns.* The maximum prices for twisted woolen sales yarns shall be the applicable maximum prices for woolen sales yarns set forth in subparagraphs (1) or (2) of this paragraph plus the following premiums:

5¢ per pound for 2 run or lower.
7½¢ per pound for 3 run or lower.
10¢ per pound for 4 run or lower.
12½¢ per pound for 5 run or lower.
15¢ per pound for 6 run or lower.

7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948.

(4) *Woolen sales yarns sold in the dyed state.* The maximum prices for woolen sales yarns sold in the dyed state shall be the applicable maximum prices set forth in subparagraphs (1), (2) or (3) of this paragraph, plus 12¢ per pound.

(5) *Woolen sales yarns sold in the scoured state.* For woolen sales yarns sold in the scoured state there shall be added to the applicable maximum price set forth in subparagraphs (1), (2) or (3) of this paragraph an amount equal to the loss due to shrinkage of the yarn and the actual cost for scouring and for packing: *Provided*, That the amount of each such charge shall be separately set forth in an invoice or similar document delivered to the purchaser.

[Paragraph (5) added by Amendment 7, 7 F.R. 6494]

(g) *Premiums for sales by yarn jobbers.* The maximum prices for wool yarns converted by a yarn jobber from an undyed to a dyed state shall be the applicable maximum price for yarns sold in the dyed state, set forth in this section, plus 7½ cents per pound: *Provided*, That (1) for the purpose of this paragraph the term "yarn jobber" shall be restricted to a person, other than a spinner, who purchases yarn in the undyed state and dyes it or has it dyed for his account for the purpose of resale and (2) the premiums permitted by this paragraph may not be added to the maximum prices for woolen sales yarns.

(h) *Invoices.* After June 9, 1942, every person making a sale of yarns for which maximum prices are established in this Appendix shall deliver to the purchaser an invoice or similar document which shall show: (1) The percentage of the foreign and domestic wool tops used in the manufacture of the yarns sold; (2) if the yarn is sold in a blend, the percentage of each type and kind of fibers included; and (3) the selling price per pound.

[§ 1410.64 as amended by Amendments 5 and 12, 7 F.R. 4299, 8 F.R. 1860]

§ 1410.65 *Appendix E: Maximum prices for foreign shorn wools*—(a) *Unscoured South American shorn wools.* The prices set forth below are maximum prices per pound for unscoured South American shorn wools of United States official standard grades, clean basis, cost and freight, in bond, delivered in warehouse eastern seaboard. When sold duty paid, an amount not exceeding the duty actually paid may be added to the applicable maximum price.

The maximum prices shall include commissions and all other charges except as provided in subparagraphs (3) and (4) of this paragraph.

[Paragraph (a) as amended by Amendments 5 and 7, 7 F.R. 4299, 6494]

Terms of sale shall be cash less 1% up to 10 days, or 60 days net cash.

U. S. official standard grades	Montevideo, Punta, Magellanes, Entre Rios, Concordia, Corrientes		
	Good combing fleeces (practically free)	Best pieces	Bellies and pieces
64s and finer.....	\$0.73	\$0.70	\$0.67
60s, 64s.....	.71	.68	.65
60s.....	.70	.67	.64
58s, 60s.....	.67	.64	.61
56s, 58s.....	.65	.62	.59
54s.....	.63	.60	.57
50s, 56s.....	.61	.57	.54
50s.....	.59	.55	.52
46s, 50s.....	.57	.52	.47
46s, 48s.....	.55	.50	.45
44s.....	.51	.45	.40
44s.....	.54	.48	.43
40s and lower.....	.49	.43	.38

U. S. official standard grades	Buenos Aires, Patagonia, Bahia Blanca, Pampa, San Julian, Santa Cruz, Rio Negro, Chubut, Tierra del Fuego, Cordellera, Desado, Rio Gallegos, Brazilian		
	Good combing fleeces (practically free)	Best pieces	Bellies and pieces
64s and finer.....	\$0.73	\$0.68	\$0.65
60s, 64s.....	.68	.66	.63
60s.....	.67	.65	.62
58s, 60s.....	.64	.62	.59
56s, 58s.....	.62	.60	.57
50s.....	.60	.58	.55
50s, 56s.....	.58	.55	.52
50s.....	.56	.53	.50
46s, 50s.....	.53	.50	.47
46s, 48s.....	.51	.48	.45
40s.....	.46	.43	.40
44s.....	.45	.42	.39
40s and lower.....	.32	.30	.28

SOUTH AMERICAN SECOND CLIP AND LAMBS' WOOL

U. S. official standard grades	Montevideo, Punta, Magellanes, Entre Rios, Concordia, Corrientes		
	Good combing fleeces (practically free)	Best pieces	Bellies and pieces
60s and finer.....	\$0.62		\$0.60
58s, 60s.....	.58		.57
56s, 58s.....	.56		.55
50s.....	.54		.52
50s, 56s.....	.52		.50
46s, 50s.....	.50		.48
46s.....	.48		.46
44s.....	.46		.45
40s and lower.....	.40		.32

CHILEAN WOOLS

U. S. Official standard grades	Valdivia, Orsuno	Talcahuana, Concepcion
60s, 64s.....	\$0.68	
58s, 60s.....	.61	\$0.58
56s, 58s.....	.58	.55
50s, 56s.....	.56	.53
48s, 50s.....	.53	.51
46s, 48s.....	.46	.46

PERUVIAN WOOLS

U. S. Official standard grades:		Improved Peruvian
64s.....		\$0.71
60s, 64s.....		.68
58s, 60s.....		.62
56s, 58s.....		.58
50s, 56s.....		.53
46s, 48s.....		.49
U. S. Official standard grades:		Ordinary Peruvian
Merino 60s, 64s.....		\$0.64
No. 1, 58s, 60s.....		.60
No. 2, 46s, 56s (Kempy).....		.44
Gray.....		.44

(1) *Inferior wools.* The maximum prices for inferior wools shall be determined by deducting from the applicable maximum prices for shorn foreign wools imported in the greasy or washed condition, set forth in this paragraph (a), the following amounts:

- (i) Slightly stained wools, 2¢ per lb.
- (ii) Yellow or heavily stained wools, 5¢ per lb.

(iii) Seedy or burry wools not requiring carbonizing,* and cotts, 3¢ per lb., after adjustment has been made for color in accordance with (i) and (ii) above.

(iv) Seedy or burry wools requiring carbonizing,* 10¢ per lb., after adjustment has been made in accordance with (i) and (ii) above.

[Paragraph (1) as amended by Amendment 5, 7 F.R. 4299]

(2) *Wools of choice character.* Maximum prices for wools of choice character shall be the maximum prices set forth above plus the following amounts:

- (i) Grades 70s to 58s, 60s, inclusive, 3¢ per lb.

Provided, That the wools show good merino character in fully skirted super fleeces, freedom from burrs or other deleterious vegetable matter, freedom from kempy or hairy fibers, freedom from tender wools, evenness of grade and length, and good strength.

- (ii) Grades 56s, 58s to 46s, 48s, inclusive, 5¢ per lb. and

- (iii) Grades 46s to 40s and below, inclusive, 8¢ per lb.

Provided, That wools of the grades enumerated in paragraphs (ii) and (iii) show good medium or coarse crossbred or Lincoln character, unusual length and evenness in length and grade in fully skirted super fleeces, freedom from burrs and other deleterious vegetable matter, freedom from hairy or kempy fibers, freedom from tender wool, good strength and a high degree of lustre.

(3) *Maximum prices for sales of South American wools by dealers.* For the purposes of this section, the term "dealer" shall be restricted to persons who purchase wool before it is landed in the United States and either resell it to a top-maker, spinner or manufacturer for his own consumption, after it has been shipped from the country of origin, or resell it after it has been landed in the United States.

* According to established trade practice.

When South American wools are sold by a dealer, the applicable maximum price set forth above may be increased by an amount not exceeding 10% of the applicable in bond maximum price or 5 cents per pound clean basis, whichever is greater, plus charges actually paid for marine and war risk insurance on the wool sold: *Provided,* That where the shipment is evidenced by an ocean bill of lading or similar document dated September 30, 1942, or later, no amount for war risk insurance which is in excess of the cost of war risk insurance written by the War Shipping Administration applicable to an identical shipment may be so added: *Provided further,* That an invoice or similar document delivered to the purchaser shall show separately (i) the applicable maximum price of the wool, (ii) the dealer's mark-up per pound, (iii) the charges actually paid for marine insurance and (iv) the charges for war risk insurance added to the applicable in bond maximum price. Persons buying any such wool after it has been once sold by a dealer may resell it at a price not higher than the maximum price applicable to the sale by the dealer under this paragraph.

[Paragraph (3) as amended by Amendment 8, 7 F.R. 7602]

[Former (3) and (4) revoked, and former (5) and (6) redesignated (3) and (4) by Amendment 5, 7 F.R. 4299]

(4) *Brokers' commissions.* In cases where a purchaser or a seller of South American wool employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable in bond maximum price may be charged for such services and added to the applicable maximum price. Such a commission may not be added to the increased maximum price applicable to sales by dealers provided for in paragraph (5) above. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if (i) the wool is purchased at a price not exceeding the applicable maximum price (ii) it is shown as a separate charge in the invoice or similar document delivered to the purchaser and (iii) the commission is not split or divided with the seller or an agent or an employee of the seller.

(b) *South American shorn wools imported in the scoured state—(1) Maximum prices for South American shorn wools imported in the scoured state.* The maximum prices for South American shorn wools imported in the scoured state shall be 2¢ per lb. scoured above the applicable clean basis prices listed for South American shorn wools imported in the greasy or washed condition.

(2) *Dealers' margins and brokers' commissions.* The provisions of subparagraphs (3) and (4) of paragraph (a) of this section shall be applicable to sales by dealers and brokers of South American shorn wools imported in the scoured state.

(3) *Carbonized, neutralized and dusted wools.* The maximum prices for carbonized, neutralized and dusted wool shall be determined by adding 5¢ to the applicable maximum price for wool of average to good quality set forth above. The maximum price for wool carbonized only, carbonized and neutralized, or carbonized and dusted shall be reduced to a price in line with the maximum price for the same class, kind, type, condition and grade of wool carbonized, dusted and neutralized.

[Paragraph (b) added by Amendment 5, 7 F.R. 4299. Former (b) redesignated (d) by Amendment 5]

(c) *South American shorn wools scoured in the United States.* The prices set forth below are maximum prices, f. o. b. shipping point, for South American shorn wools of average to good character scoured in the United States. The maximum prices for such wools of choice character, for inferior wools and

for carbonized, neutralized or dusted wools shall be determined in accordance with subparagraphs (2), (3) and (4) of this paragraph. All maximum prices are for wools of United States official standard grades, duty paid, on a price per pound basis and shall include all commissions and other charges except as provided in subparagraph (5) of this paragraph. The maximum prices for scoured South American shorn wools may be increased by the charges actually paid for marine and war risk insurance on the wool imported in a grease state: *Provided*, That no amount which is in excess of the cost of war risk insurance written by the War Shipping Administration applicable to an identical shipment may be so added where the shipment is evidenced by an ocean bill of lading or similar document dated September 30, 1942, or later. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(1) *Wools of average to good character.*

U. S. official standard grades	Montevideo, Punta, Magellanes, Entre Rios, Concordia, Corriente					
	Good combing fleeces (practically free)		Best pieces		Bellies and pieces	
	Sorted	Unsorted	Sorted	Unsorted	Sorted	Unsorted
64s and finer.....	\$1.19	\$1.16	\$1.16	\$1.13	\$1.13	\$1.10
60s, 64s.....	1.17	1.14	1.14	1.11	1.11	1.08
60s.....	1.16	1.13	1.13	1.10	1.10	1.07
58s, 60s.....	1.13	1.11	1.10	1.08	1.07	1.05
56s, 58s.....	1.10	1.08	1.07	1.05	1.04	1.02
56s.....	1.08	1.06	1.05	1.03	1.02	1.00
50s, 56s.....	1.06	1.04	1.02	1.00	.99	.97
50s.....	1.04	1.02	1.00	.98	.97	.95
46s, 50s.....	1.02	1.00	.97	.95	.92	.90
46s, 48s.....	.99	.97	.94	.92	.89	.87
46s.....	.95	.93	.89	.87	.84	.82
44s.....	.80	.78	.74	.72	.69	.67
40s and lower.....	.71	.69	.65	.63	.60	.58

U. S. official standard grades	Buenos Aires, Patagonia, Bahía Blanca, Pampa, San Julian, Santa Cruz, Rio Negros, Chubut, Tierra del Fuego, Cordellera, Deseado, Rio Gallegos, Brazilian					
	Good combing fleeces (practically free)		Best pieces		Bellies and pieces	
	Sorted	Unsorted	Sorted	Unsorted	Sorted	Unsorted
64s and finer.....	\$1.19	\$1.16	\$1.14	\$1.11	\$1.11	\$1.08
60s, 64s.....	1.14	1.11	1.12	1.09	1.09	1.06
60s.....	1.13	1.10	1.11	1.08	1.08	1.05
58s, 60s.....	1.10	1.08	1.08	1.06	1.05	1.03
56s, 58s.....	1.07	1.05	1.05	1.03	1.02	1.00
56s.....	1.05	1.03	1.03	1.01	1.00	.98
50s, 56s.....	1.03	1.01	1.00	.98	.97	.95
50s.....	1.01	.99	.98	.96	.95	.93
46s, 50s.....	.98	.96	.95	.93	.92	.90
46s, 48s.....	.95	.93	.92	.90	.89	.87
46s.....	.90	.88	.87	.85	.84	.82
44s.....	.71	.69	.68	.66	.65	.63
40s and lower.....	.54	.52	.52	.50	.50	.48

SOUTH AMERICAN SECOND CLIP AND LAMBS' WOOL

U. S. official standard grades	Montevideo, Punta, Magellanes, Entre Rios, Concordia, Corriente, Buenos Aires, Patagonia, Bahía Blanca, Pampa, San Julian, Santa Cruz, Rio Negro, Chubut, Tierra del Fuego, Cordellera, Deseado, Rio Gallegos, Brazilian			
	Sorted	Unsorted	Sorted	Unsorted
60s and finer.....	\$1.08	\$1.05	\$1.06	\$1.03
58s, 60s.....	1.04	1.02	1.03	1.01
56s, 58s.....	1.01	.99	1.00	.98
56s.....	.99	.97	.97	.95
50s, 56s.....	.97	.95	.95	.93
46s, 50s.....	.95	.93	.93	.91
46s.....	.92	.90	.90	.88
44s.....	.72	.70	.71	.69
40s and lower.....	.62	.60	.64	.62

CHILEAN WOOLS

U. S. official standard grades	Valdivia, Orsono, Talcahuana, Concepcion			
	Sorted	Unsorted	Sorted	Unsorted
60s, 64s.....	\$1.14	\$1.11	-----	-----
58s, 60s.....	1.07	1.05	\$1.04	\$1.02
56s, 58s.....	1.03	1.01	1.00	.98
50s, 56s.....	1.01	.99	.98	.96
48s, 50s.....	.98	.96	.96	.94
46s, 48s.....	.90	.88	.90	.88

PERUVIAN WOOLS

U. S. official standard grades	Improved Peruvian	
	Sorted	Unsorted
64s.....	\$1.17	\$1.14
60s, 64s.....	1.14	1.12
58s, 60s.....	1.08	1.06
56s, 58s.....	1.03	1.01
50s, 56s.....	.98	.96
46s, 48s.....	.93	.91

U. S. official standard grades	Ordinary Peruvian wools	
	Sorted	Unsorted
Merino 60s, 64s.....	\$1.10	\$1.08
No. 1, 58s, 60s.....	1.06	1.04
No. 2, 46s, 56s (Kempy).....	.88	.86
Gray.....	.83	.86

(2) *Inferior wools.* The maximum prices for inferior wools shall be determined by deducting from the applicable maximum prices for shorn foreign wools imported in the greasy or washed condition and scoured in the United States, set forth in subparagraph (1) above, the following amounts:

- (i) Slightly stained wools, 2¢ per lb.
- (ii) Yellow or heavily stained wools, 5¢ per lb.

(iii) Seedy or burry wools not requiring carbonizing,* and cotts, 3¢ per lb., after adjustment has been made for color in accordance with (i) and (ii) above.

(iv) Seedy or burry scoured wool requiring carbonizing,* 10¢ per lb., after adjustment has been made in accordance with (i) and (ii) above.

(3) *Wools of choice character.* The maximum prices for scoured wools of choice character shall be the maximum prices set forth above plus the following amounts:

(i) Grades 70s to 58s, 60s, inclusive, 3¢ per lb.: *Provided*, That the wools show good merino character, were imported in fully skirted super fleeces, freedom from burrs or other deleterious vegetable matter, freedom from kempy or hairy fibers, freedom from tender wools, evenness of grade and length, and good strength.

(ii) Grades 56s, 58s, to 46/48s, inclusive, 5¢ per lb., and

(iii) Grades 46s to 40s and below, inclusive, 8¢ per lb.: *Provided*, That wools of the grades enumerated in subdivisions (ii) and (iii) show good medium or coarse crossbred or Lincoln character, unusual length and evenness in length and grade, were imported in fully skirted super fleeces, freedom from burrs and other deleterious vegetable matter, freedom from hairy or kempy fibers, freedom from tender wool, good strength and high degree of lustre.

(4) *Carbonized, neutralized and dusted wools.* The maximum prices for carbonized, neutralized and dusted wool shall be determined by adding 5¢ to the applicable maximum price for scoured wool of average to good character set forth in subparagraph (1) of this paragraph. The maximum price for wool carbonized only, carbonized and neutralized, or carbonized and dusted shall be reduced to a price in line with the maximum price for the same class, kind, type, condition and grade of wool carbonized, dusted and neutralized.

(5) *Brokers' commissions.* In cases where a purchaser or a seller of wools covered by this paragraph (c) employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable duty paid maximum price may be charged for such service and added to the increased maximum price. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if (i) the wool is purchased at a price not exceeding the applicable maximum price (ii) it is shown as a separate charge in the invoice or similar document delivered to the purchaser and (iii) the commission is not split or divided with the seller or an agent or an employee of the seller.

(6) *Invoices.* After June 9, 1942, every person making a sale of South American shorn wools scoured in the United States covered by this paragraph shall deliver

to the purchaser an invoice or similar document which shall show: (i) the class, kind, type, condition and grade of wool sold; and (ii) the price contracted, received or paid therefor, indicating separately any adjustments made for processing, for choice or inferior wools or for marine and war risk insurance in conformity with the provisions of this paragraph (c).

[Paragraph (c) added by Amendment 5, 7 F.R. 4299, and amended by Amendment 7, 7 F.R. 6494]

(d) *Australian, New Zealand, South African and other British Wool Control shorn wools—(1) Maximum prices for sales by dealers.* For the purposes of this section, the term "dealer" shall be restricted to persons who purchase wool before it is landed in the United States and either resell it to a topmaker, spinner, or manufacturer for his own consumption, after it has been shipped from the country of origin, or resell it after it has been landed in the United States. The maximum prices for sales of such wools by dealers shall be the actual cost thereof landed in bond in the United States, plus an amount not exceeding 10% of such cost or 5 cents per pound, clean basis, whichever is greater, plus charges actually paid for marine and war risk insurance on the wool sold: *Provided*, That where the shipment is evidenced by an ocean bill of lading or similar document dated September 30, 1942, or later, no amount for war risk insurance which is in excess of the cost of war risk insurance written by the War Shipping Administration applicable to an identical shipment may be so added: *Provided further*, That an invoice or similar document, delivered to the purchaser shall show separately (i) such actual cost of the wool, (ii) the dealer's markup per pound, (iii) the charges actually paid for marine insurance, and (iv) the charges for war risk insurance added to the landed in bond cost. Persons buying any such wool after it has once been sold by a dealer may resell it at a price not higher than the maximum price applicable to the sale by the dealer under this paragraph.

[Paragraph (1) as amended by Amendment 8, 7 F.R. 7602]

(2) *British wool control wools scoured in the United States.* The maximum prices for wools scoured in the United States shall be the applicable dealer's maximum price set forth above for unscoured wool to which may be added the following charges:

(i) Actual charges paid for scouring;

(ii) Transportation charges to scouring plant actually paid, but in no case in excess of \$.50 per hundredweight of grease wool;

(iii) Actual charges paid for sorting but in no case in excess of \$1.00 per hundredweight of grease wool; and

(iv) Actual loss incurred for depreciation due to off-sorts but in no case in excess of \$1.50 per hundredweight of grease wool:

Provided, That the amount of each such charge shall be separately set forth

in an invoice or similar document delivered to the purchaser.

(3) *British wool control wools sold duty paid.* When British Wool Control wools are sold on a duty paid basis, the applicable maximum price may be increased by the amount of duty actually paid.

(4) *Terms of sale for British Wool Control wools.* Terms of sale shall be cash less 1% up to 10 days or 60 days net cash: *Provided*, That when British Wool Control wools are sold on a duty paid basis, the discount shall be computed on the applicable maximum price exclusive of duty.

[Paragraph (4) as amended by Amendment 8, 7 F.R. 7602]

(5) *Brokers' commissions.* In cases where a purchaser or a seller of wools covered by this paragraph employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable in bond maximum price may be charged for such service and added to the applicable maximum price. Such a commission may not be added to the increased maximum price applicable to sales by dealers provided for in subparagraph (1) above. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if (i) the wool is purchased at a price not exceeding the applicable maximum price (ii) it is shown as a separate charge in the invoice or similar document delivered to the purchaser and (iii) the commission is not split or divided with the seller or an agent or an employee of the seller.

(6) *Carbonized, neutralized and dusted wools.* The maximum prices for carbonized, neutralized and dusted wool shall be determined by adding 5 cents to the applicable maximum price set forth in this paragraph (d). The maximum price for wool carbonized only, carbonized and neutralized, or carbonized and dusted shall be reduced to a price in line with the maximum price for the same class, kind, type, condition and grade of wool carbonized, dusted and neutralized.

[Paragraph (6) added by Amendment 7, 7 F.R. 6494]

(e) *Imported carpet wools.* The prices set forth below are maximum prices per pound for carpet wools, clean basis or scoured as indicated, cost and freight, in bond, delivered in warehouse, eastern seaboard, exclusive of marine and war risk insurance:

Afghanistan wool.....	.46 clean basis.
Sind White East India wool..	.56 clean basis.
Criolla unscoured wool.....	.38 clean basis.
Scoured Criolla wool, scoured	
in South America.....	.32 scoured
Cordova shorn wool.....	.46 clean basis.
Cordova pulled wool.....	.42 clean basis.
White Joria East India wool..	.55 clean basis.

(1) When sold for purposes other than for the manufacture of carpets and a duty is paid, if sold duty paid, the amount of duty actually paid may be added to the applicable maximum price: *Provided*,

* According to established trade practice.

That the amount of duty actually paid shall be separately set forth in an invoice or similar document delivered to the purchaser.

(2) The maximum prices shall include commissions and all other charges except in cases where a purchaser or a seller of wool employs a broker or other agent to make a purchase or sale on his behalf a commission of not to exceed 1% of the applicable in bond maximum price may be charged for such service and added to the applicable maximum price. Such commission may not be charged to both the buyer and seller on the same lot of wool and shall be payable only if (i) the wool is purchased at a price not exceeding the applicable maximum price; (ii) it is shown as a separate charge on the invoice or similar document delivered to the purchaser; and (iii) the commission is not split or divided with the seller or an agent or an employee of the seller.

(3) The maximum price for these wools scoured in the United States shall be the applicable maximum price set forth above for the wool to which may be added the following charges: (i) actual charges paid for scouring; (ii) transportation charges to scouring plant actually paid, but in no case in excess of .50 per hundredweight of grease wool; *Provided*, That the amount of each such charge shall be separately set forth in an invoice or similar document delivered to the purchaser.

(4) Actual charges paid for marine insurance and war risk insurance on the wool sold may be added to the applicable maximum price for the above named carpet wools; except that where the shipment is evidenced by an ocean bill of lading or similar document dated September 30, 1942, or later, no amount for war risk insurance which is in excess of the cost of war risk insurance written by the War Shipping Administration applicable to an identical shipment may be so added; *Provided*, That the amounts of such marine and war risk insurance shall be separately set forth in an invoice or similar document delivered to the purchaser.

(5) Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(f) *Afghanistan camel hair*. The maximum price per pound, clean basis, cost and freight, in bond, delivered in warehouse, eastern seaboard, exclusive of marine and war risk insurance for Afghanistan camel hair shall be \$.50.

(1) When sold duty paid, the duty actually paid may be added to the applicable maximum price: *Provided*, That the amount of duty paid shall be separately set forth in an invoice or similar document delivered to the purchaser.

(2) The maximum prices shall include commissions and all other charges except in cases where a purchaser or a seller of wool employs a broker or other agent to make a purchase or sale on his behalf a commission of not to exceed 1% of the applicable in bond maximum price may be charged for such service and added to the applicable maximum price. Such commission may not be charged to both buyer and seller on the same lot of wool and shall be payable only if (i) the wool is purchased at a price not exceeding the applicable maximum price; (ii) it is shown as a separate charge on the invoice or similar document delivered to the purchaser; and (iii) the commission is not split or divided with the seller or an agent or an employee of the seller.

(3) The maximum price for these wools scoured in the United States shall be the applicable maximum price set forth above for wool to which may be added the following charges: (i) actual charges paid for scouring; (ii) transportation charges to scouring plant actually paid, but in no case in excess of .50 per hundredweight of grease wool; *Provided*, That the amount of each such charge

shall be separately set forth in an invoice or similar document delivered to the purchaser.

(4) Actual charges paid for marine insurance and war risk insurance on the wool sold may be added to the applicable maximum price for Afghanistan camel hair, except that where the shipment is evidenced by an ocean bill of lading or similar document dated September 30, 1942, or later, no amount for war risk insurance which is in excess of the cost of war risk insurance written by the War Shipping Administration applicable to an identical shipment may be so added; *Provided*, That the amounts of such marine and war risk insurance shall be separately set forth in an invoice or similar document delivered to the purchaser.

(5) Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

§ 1410.66 *Appendix F: Maximum prices for foreign pulled wools*. The prices set forth in paragraphs (a) to (d), inclusive, are maximum prices per pound for foreign pulled wools, other than British Wool Control pulled wools pulled abroad, of average to good character, duty paid, f. o. b. wool pullery or scouring plant. Such prices do not include marine and war risk charges which may be added as set forth in paragraph (e) below. Terms of sale shall be cash less 1% up to 10 days, or 60 days net cash.

[Paragraph as amended by Amendment 7, 7 F.R. 6494]

(a) *Worsted type*

Grades and lengths	Pulled abroad			Pulled in U. S. A.	
	Clean basis	Scoured abroad	Scoured in U. S. A.	Clean basis	Scoured in U. S. A.
70s, 1½ inches and longer.....	\$1.08	\$1.10	\$1.13	\$1.11	\$1.16
64s, and finer:					
2½ inches and longer.....	1.06	1.08	1.11	1.09	1.14
1½ to 2½ inches.....	1.03	1.05	1.08	1.06	1.11
60s, 64s:					
2½ inches and longer.....	1.05	1.07	1.10	1.08	1.13
1½ to 2½ inches.....	1.00	1.02	1.05	1.03	1.08
60s					
3 inches and longer.....	1.03	1.05	1.08	1.05	1.10
1½ to 3 inches.....	.99	1.01	1.04	1.01	1.06
58s					
3 inches and longer.....	1.00	1.02	1.05	1.02	1.07
2 to 3 inches.....	.97	.99	1.02	.99	1.04
56s:					
3½ inches and longer.....	.97	.99	1.02	.99	1.04
2 to 3½ inches.....	.94	.96	.99	.96	1.01
50s, 58s:					
3½ inches and longer.....	.95	.97	1.00	.97	1.02
2 to 3½ inches.....	.92	.94	.97	.94	.99
48s, 50s:					
4 inches and longer.....	.91	.93	.96	.93	.98
2½ to 4 inches.....	.89	.91	.94	.91	.96
46s, 48s:					
4 inches and longer.....	.87	.89	.92	.89	.94
2½ to 4 inches.....	.84	.86	.89	.86	.91
44s:					
5 inches and longer.....	.68	.70	.72	.70	.74
3 to 5 inches.....	.66	.68	.70	.68	.72
36s, 40s:					
5 inches and longer.....	.58	.60	.62	.60	.64
3 to 5 inches.....	.56	.58	.60	.58	.62

(b) Woolen type

Grades and lengths	Pulled abroad			Pulled in U. S. A.	
	Clean basis	Scoured abroad	Scoured in U. S. A.	Clean basis	Scoured in U. S. A.
70s—Under 1½ inches.....	\$0.98	\$1.00	\$1.03	\$1.01	\$1.06
64s and finer—Under 1½ inches.....	.96	.98	1.01	.99	1.04
60s, 64s—Under 1½ inches.....	.95	.97	1.00	.98	1.03
60s—Under 1½ inches.....	.93	.95	.98	.96	1.01
58s—Under 2 inches.....	.90	.92	.95	.92	.97
56s—Under 2 inches.....	.87	.89	.92	.89	.94
50s, 56s—Under 2 inches.....	.85	.87	.90	.87	.92
48s, 50s—Under 2½ inches.....	.81	.83	.86	.83	.88
46s, 48s—Under 2½ inches.....	.77	.79	.82	.79	.84
44s—Under 3 inches.....	.58	.60	.62	.60	.64
36s, 40s—Under 3 inches.....	.48	.50	.52	.50	.54

(c) *Foreign pulled wools of choice character.* The maximum prices for foreign pulled wools of choice character shall be the maximum prices set forth above plus the following amounts:

(1) Grades 70s to 58s, inclusive, 3¢ per lb.

(2) Grades 56s to 48s, inclusive, 5¢ per lb.

(3) Grades 46s and coarser, 8¢ per lb.

(d) *Inferior wools.* The maximum prices for inferior foreign pulled wools shall be determined by deducting from the applicable maximum price for such wools of average to good character, set forth in paragraphs (a) and (b) above, the following amounts:

(1) Slightly stained wools, 2¢ per lb.

(2) Yellow or heavily stained wools, 5¢ per lb.

(3) Seedy or burry wools which, in accordance with established trade practice, do not require carbonizing, 3¢ per lb., after adjustment has been made for color in accordance with subparagraphs (1) and (2) above.

(4) Seedy or burry wools which, in accordance with established trade practice require carbonizing, neutralizing and/or dusting, 10¢ per lb., after adjustment has been made for color in accordance with subparagraphs (1) and (2) above: *Provided*, That where such wools are sold in a carbonized, neutralized and/or dusted state the actual charges for carbonizing, neutralizing and/or dusting plus an allowance for actual shrinkage may be added to the maximum price so long as such charges and the amount of shrinkage allowance are set forth in the invoice or similar document delivered to the purchaser.

[Paragraph (d) as amended by Amendment 8, 7 F.R. 7602]

(e) *Adjustment for marine and war risk insurance charges.* Actual charges paid for marine insurance and war risk insurance on the wool sold may be added to the applicable maximum price for foreign pulled wool determined in accordance with this section, except that where the shipment is evidenced by an ocean bill of lading or similar document dated September 30, 1942, or later, no amount for war risk insurance which is in excess of the cost of war risk insurance written by the War Shipping Administration ap-

plicable to an identical shipment may be so added: *Provided*, That the amounts of such marine and war risk insurance added shall be separately set forth in an invoice or similar document delivered to the purchaser.

[Paragraph (e) as amended by Amendment 8, 7 F.R. 7602]

(f) *Maximum prices for British Wool Control pulled wools, pulled abroad.* The maximum prices for British Wool Control pulled wools, pulled abroad, shall be determined in accordance with the provisions of paragraph (d) of § 1410.65.

[Paragraph (f) added by Amendment 7, 7 F.R. 6494]

Issued this 6th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7197; Filed, May 6, 1943;
4:49 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183, Amendment 28]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 183 is amended in the following respects:

1. Section 1418.1 (a) (7) and (12) are amended to read as follows:

(7) On and after May 8, 1943, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person in the course of trade or business, shall buy or receive, dried beans, dried peas and garbanzos in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (g), Table VII; and no person shall offer, solicit or attempt to do any of the foregoing.

(12) On and after May 8, 1943, regardless of any contract, agreement, lease or other obligation, or of any price

*Copies may be obtained from the Office of Price Administration.

18 F.R. 4122, 4351, 4781, 4788, 5486.

regulation heretofore issued, no person shall sell or deliver, and no person in the course of trade or business, shall buy or receive, wheat flour, in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (q), Table XVI and no person shall offer, solicit, or attempt to do any of the foregoing. On and after May 8, 1943, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person in the course of trade or business, shall buy or receive, laundry soap, toilet soap and soap chips or canned Vienna sausage listed or described in § 1418.14 (r), Table XVII, (s), Table XVIII, in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (r), Table XVII; (s), Table XVIII; and no person shall offer, solicit or attempt to do any of the foregoing.

2. Section 1418.14 (g), Table VII; (r), Table XVII; (s), Table XVIII are amended to read as follows:

(g) *Table VII: Maximum prices for dried beans, dried peas and garbanzos.* (1) The maximum prices for dried beans, dried peas and garbanzos sold or delivered in the Territory of Puerto Rico shall be:

	Sales to whole-salers	Sales at whole-sale	Sales at retail
All grades of imported dried beans and imported dried peas.....	Per pound \$0.0655	Per pound \$0.07	Per pound \$0.08
	Per 110-pound bag \$7.00	Per 110-pound bag \$8.00	0.09
Garbanzos.....			

For sales of different quantities the maximum price shall be computed proportionately.

(r) *Table XVII: Maximum prices for laundry soap, toilet soap and soap chips.* (1) The maximum prices for laundry soap, toilet soap and soap chips sold or delivered in the Territory of Puerto Rico shall be:

	Sales to whole-salers	Sales at whole-sale	Sales at retail
Laundry soap.....	Per pound \$0.0775	Per pound \$0.084	Per pound \$0.10
Toilet soap—Victory branch.....	Per 144/3½ oz. bars \$6.88	Per 144/3½ oz. bars \$7.60	Per bar \$0.07
Soap chips—Balloon branch.....	Case of 8/4 lb. 10 oz. packages \$4.20	Case of 8/4 lb. 10 oz. packages \$4.65	Per package \$0.75

For sales of different quantities the maximum price shall be computed proportionately.

(s) *Table XVIII: Maximum prices for canned Vienna sausage.* (1) The maximum prices for canned Vienna sausage

sold or delivered in the Territory of Puerto Rico shall be:

	Sales to wholesale sellers	Sales at wholesale sale	Sales at retail
Canned Vienna sausage, ends.....	Case of 48 1/4 oz. cans \$3.37	Case of 48 1/4 oz. cans \$3.72	Per 4 oz. can \$0.10
	Case of 24/20 oz. cans \$5.30	Case of 24/20 oz. cans \$5.85	Per 20 oz. can \$0.32
Canned Vienna sausage, whole.....	Case of 24/24 oz. cans \$16.00	Case of 24/24 oz. cans \$17.00	Per 2 1/2 oz. can \$0.90
	Case of 36 1/4 oz. cans \$3.87	Case of 36 1/4 oz. cans \$4.27	Per 4 oz. can \$0.15
Star brand.....	Case of 48 1/4 oz. cans \$4.17	Case of 48 1/4 oz. cans \$4.60	Per 4 oz. can \$0.12

For sales of different quantities the maximum price shall be computed proportionately.

This amendment shall become effective May 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7198; Filed, May 6, 1943;
4:51 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 183, Amendment 29]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 183 is amended in the following respects:

1. Section 1418.1 (a) (8) is amended by inserting after the phrase "or of any price regulation heretofore issued", the phrase "no person in the course of trade or business shall buy or receive onions imported" and deleting the phrase "no person shall sell or deliver, and no person shall buy onions."

2. Section 1418.1 (a) (22) is added to read as follows:

(22) On and after May 8, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver and no person in the course of trade or business shall buy or receive hemp rope imported from Cuba in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (ii), Table XXX, and no person shall offer, solicit, or attempt to do any of the foregoing.

3. Section 1418.3a is added to read as follows:

*Copies may be obtained from the Office of Price Administration.

18 F.R. 4122, 4351, 4781, 4788, 5486.

§ 1418.3a Federal, State and Territorial taxes. (a) Any tax upon, or incident to, the sale, delivery, processing, or use of a commodity imposed by any statute of the United States or statute or ordinance of any state, territory or subdivision thereof subsequent to such commodity becoming subject to this Maximum Price Regulation No. 183, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(1) If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 183.

4. Section 1418.14 (h), Table VIII, is amended to read as follows:

(h) Table VIII: Maximum prices for onions. (1) The maximum prices for imported onions sold or delivered in the Territory of Puerto Rico shall be:

	Sales to wholesalers (price per 50 lbs.)	Sales at wholesale (price per 50 lbs.)	Sales at retail (price per pound)
Imported onions..	\$3.00	\$3.68	\$0.10

For sales of different quantities the maximum price shall be computed proportionately.

5. Section 1418.14 (ff), Table XXVII, is amended by changing the retail price of La Javanela (1/2 lb. pkg.) from 9¢ to 10¢ per package.

6. Section 1418.14 (ii), Table XXX, is added to read as follows:

(ii) Table XXX: Maximum prices for hemp rope. (1) The maximum prices for hemp rope imported from Cuba at wholesale and at retail shall be as follows:

At wholesale..... \$26.00 per cwt.
At retail..... 0.32 per lb.

This amendment shall become effective May 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7199; Filed, May 6, 1943;
4:49 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 444 Under § 1499.3 (b) of GMPR]

PRODUCTIVE WORKERS' EXCHANGE

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1682 Authorization of maximum prices for sales of baked beans in 3/4 lb. packages and in 2 quart and 4 quart bean pots by Productive Workers' Exchange and by retailers. (a) On and after May 7, 1943, the maximum prices for sales of baked beans by Productive Workers' Exchange, 2218 Cincinnati Avenue, San Antonio, Texas, shall be:

14 cents per 3/4 lb. package of baked beans.
14 cents per lb. for baked beans in 2 quart and 4 quart bean pots.

(b) Retailers shall determine their maximum selling prices for 3/4 lb. packages of baked beans and 2 quart and 4 quart bean pots of baked beans by the applicable Office of Price Administration regulations.

(c) This Order No. 444 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 444 (§ 1499.1682) shall become effective May 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7200; Filed, May 6, 1943;
4:50 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 1]

PART 503—ADMINISTRATION

DELEGATIONS OF AUTHORITY

Pursuant to Executive Orders 8989, 9156, 9214, and 9294; Public Law 779, 77th Congress; War Production Board General Conservation Order M-100, as amended, War Production Board Controlled Materials Plan, and Office of Lend-Lease Administration letter dated March 13, 1943 (Reference, Defense Aid Allocation No. 1129), *It is hereby ordered, That:*

Sec.
503.1 Deputy Director.
503.2 Division of Motor Transport.
503.3 Division of Local Transport.
503.4 Division of Railway Transport.
503.5 Division of Traffic Movement.
503.6 Division of Petroleum and Other Liquid Transport.
503.7 Water transport.
503.8 Division of Storage.
503.9 Division of Materials and Equipment.
503.10 Regional Director for Puerto Rico.

GENERAL

503.50 Supervision and reservation.
503.51 Revocation.

AUTHORITY: §§ 503.1 to 503.10 and §§ 503.50 to 503.51, inclusive, issued under E.O. 8989, 9156, 9214, 9294; 6 F.R. 6725, 7 F.R. 3349, 6097, 8 F.R. 221; Pub. Law 779, 77th Congress; War Production Board General Conservation Order M-100, 7 F.R. 1632; War Production Board Controlled Materials Plan Regulation 1, 8 F.R. 2565; and Office of Lend-Lease Administration letter dated March 13, 1943 (Reference, Defense Aid Allocation No. 1129.)

§ 503.1 Deputy Director. (a) The Deputy Director, Office of Defense

Transportation, is authorized and directed as follows:

General authority. (1) In the absence from Washington, D. C., of the Director of the Office of Defense Transportation, to act for such Director on such matters of official business as require immediate attention.

Controlled Materials Plan. (2) To exercise control and direction in all matters pertaining to the responsibilities of the Office of Defense Transportation as a claimant agency under War Production Board Controlled Materials Plan.

§ 503.2 Division of Motor Transport. (a) The Director, Division of Motor Transport, Office of Defense Transportation, is authorized and directed as follows:

Allocation of commercial motor vehicles. (1) To issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, such orders or letters as may be necessary to appoint, and direct the functioning of, local allocation officers, and of regular or alternate members of appeal boards, in accordance with the provisions of War Production Board General Conservation Order M-100, as now or hereafter amended, and the instructions issued jointly by the War Production Board and the Office of Defense Transportation pursuant to said Order M-100;

(2) To revoke any such appointments from time to time.

Joint information offices. (3) To administer the provisions of General Order ODT 13 as now or hereafter amended (7 F.R. 5066, 5678), including the issuance of such authorizations as may be required to approve the establishment of such joint information offices which, in his judgment, may be necessary to accomplish the purposes contemplated by said general order.

(4) To exercise the right reserved in the Office of Defense Transportation to disapprove the selection of any person to be a member of the governing committee or board, and managers or employees of such joint information offices, and to direct their removal from office.

(5) To determine, in collaboration with the Director, Division of Rates, Office of Defense Transportation, the divisions of revenues between carriers subject to said general order for traffic interchanged between such carriers, and the compensation to be paid and received for rental of equipment when such divisions of revenues and rental charges are not agreed upon by the interested carriers, or prescribed by the Interstate Commerce Commission or by the appropriate state regulatory bodies.

(6) With the approval of the Bureau of the Budget where required, to prescribe the necessary records to be maintained by each joint information office, the reports to be submitted by each such office, and to direct any change in the apportionment between carriers of the costs of establishing and maintaining any such office, and the charges fixed for services rendered to carriers by each such office, when in his judgment the same should be changed.

Motor carriers of property. (7) To issue, in his discretion, special permits as provided in General Order ODT 17, as now or hereafter amended, (7 F.R. 5678, 7694, 9623).

Certificates of war necessity. (8) To administer the provisions of General Order ODT 21, as now or hereafter amended (7 F.R. 7100, 9006, 9437, 10025, 8 F.R. 551, 2510), with respect to property carrying commercial motor vehicles subject to such general order. Insofar as relates to his administration of such order, said Director is authorized to exercise fully all powers lawfully vested in the Director of the Office of Defense Transportation. Specifically, but without limitation upon the generality of the foregoing, the authority hereby delegated shall be construed as conferring, in respect of such commercial motor vehicles, full power and authority:

(9) To issue certificates of war necessity to qualified applicants therefor; to provide application forms for such certificates; to prescribe the information to be contained therein; and to direct the place of filing thereof;

(10) To determine and certify in such certificates (i) limitations of mileage, or of motor fuel, or requirements as to loads, or any one or more of such limitations or requirements, and (ii) the purposes for which, and the conditions under which, the vehicles covered thereby may be operated; and from time to time to determine and specify such other terms and conditions as he may deem necessary or proper to conform such operations to the purposes of said General Order 21;

(11) To specify the effective date of, and for good cause to amend, modify, recall, suspend, cancel or revoke in whole or part, any such certificate in accordance with law;

(12) To designate accredited representatives of the Office of Defense Transportation to examine or inspect receipts for the transfer, delivery, mounting or installation of motor fuel, tires, tubes or parts for such commercial vehicles;

(13) To require, with the approval of the Bureau of the Budget where necessary, the making and keeping, and prescribe the manner and form, of necessary reports and records, and to designate accredited representatives of the Office of Defense Transportation to examine and inspect such records; and also to provide and prescribe forms for reports of enforcement officers;

(14) To require that any person having possession or control of any such commercial motor vehicle shall cause such vehicle (i) to be operated in such manner, for such purposes and between such points as said Director shall from time to time direct, and (ii) to be leased or rented (except by a person engaged in transporting property in a commercial motor vehicle for compensation, to a person not engaged in such transportation) to such person or persons as he shall from time to time direct; and (iii) to determine and prescribe (unless the interested parties agree upon the amount to be paid) the just and equitable amount of compensation for the use of vehicles

so directed to be leased or rented, subject to any applicable maximum price established by any competent governmental authority; and

(15) To do any or all things, whether or not herein enumerated, that are necessary or proper for the complete exercise of the powers specifically or generally delegated by subparagraphs (8) to (15) of this paragraph (a).

Local delivery carriers. (16) To execute and issue, in his discretion, special permits as provided by General Order ODT 6, as now or hereafter amended, (7 F.R. 3008, 3532, 4184).

Motor common carriers of property. (17) To execute and issue, in his discretion, the special permits contemplated by the provisions of General Order ODT 3, Revised, as now or hereafter amended (7 F.R. 5445, 6689, 7694);

(18) The authority conferred in subparagraphs (3) to (18) of this paragraph (a) may be exercised by such Director through such staff members of the Division of Motor Transport as he may determine.

§ 503.3 Division of Local Transport. (a) The Director, Division of Local Transport, Office of Defense Transportation, is authorized and directed as follows:

Transportation of certain Government and other personnel. (1) To administer the provisions of the Act of December 1, 1942, entitled "An Act To Provide for furnishing transportation for certain government and other personnel necessary for the effective prosecution of the war, and for other purposes" (Public Law 779, 77th Congress), to the extent that such Act grants to, and invests jurisdiction and authority in, the Office of Defense Transportation, and insofar as relates to his administration thereof, to exercise fully all powers lawfully vested in the Office of Defense Transportation.

(2) To establish appropriate procedures for the review and investigation of, and to review and investigate, plans and proposals submitted by the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, under the provisions of said Act, and, in respect of each such plan or proposal, to make and certify determinations as to whether existing private and other facilities are or can be rendered adequate by other means, and whether the proposed exercise of authority by the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, as the case may be, will result in the most efficient method of supplying transportation to the personnel concerned, and a utilization of transportation facilities consistent with the plans, policies, and programs of the Office of Defense Transportation.

(3) To do any and all things, whether or not herein enumerated, which are necessary and proper for the complete exercise of the powers and authority specifically or generally delegated herein.

Sightseeing, charter and other special services. (4) To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Trans-

portation, the special permits contemplated by § 501.42 of General Order ODT 10A, (8 F.R. 2606), or as hereafter amended.

Motor common carriers of passengers. (5) To execute and issue, in the name of the Director of the Office of Defense Transportation, the approvals and special authorities contemplated by the provisions of General Order ODT 11 (7 F.R. 4389), or as hereafter amended.

Certificates of war necessity. (6) To administer the provisions of General Order ODT 21, as now or hereafter amended (7 F.R. 7100, 9006, 9437, 10025, 8 F.R. 551, 2510), with respect to passenger carrying commercial motor vehicles subject to such general order, and, insofar as relates to his administration of such order, to exercise fully all powers lawfully vested in the Director of the Office of Defense Transportation. Specifically, but without limitation upon the generality of the foregoing, the authority hereby delegated shall be construed to confer, in respect of such commercial vehicles, full power and authority:

(7) To issue certificates of war necessity to qualified applicants therefor; to provide application forms for such certificates; to prescribe the information to be contained therein; and to direct the place of filing thereof.

(8) To determine and certify in such certificates (i) limitations of mileage or of motor fuel, or requirements as to loads, or any one or more of such limitations or requirements, and (ii) the purposes for which, and the conditions under which, the vehicles covered thereby may be operated, and (iii) from time to time to determine and specify such other terms and conditions as he may deem necessary or proper to conform such operations to the purposes of said General Order ODT 21.

(9) To specify the effective date of, and for good cause to amend, modify, recall, suspend, cancel or revoke in whole or part, any such certificate, in accordance with law.

(10) To designate accredited representatives of the Office of Defense Transportation to examine or inspect receipts for the transfer, delivery, mounting, or installation of motor fuel, tires, tubes, or parts for such commercial vehicles.

(11) To require, with the approval of the Bureau of the Budget where necessary, the making and keeping, and prescribe the manner and form, of necessary reports and records, and to designate accredited representatives to examine and inspect such records; and also to provide and prescribe forms for reports of enforcement officers.

(12) To require that any person having possession or control of any such commercial motor vehicle shall cause such vehicle (i) to be operated in such manner, for such purpose and between such points as said Director shall from time to time direct, and (ii) to be leased or rented (except by a person engaged in transporting persons in a commercial motor vehicle for compensation, to a person not engaged in such transportation) to such person or persons as he shall from time to time direct; and also to

determine and prescribe (unless the interested parties agree upon the amount to be paid) a just and equitable amount of compensation for the use of vehicles so directed to be leased or rented, subject to any applicable maximum price established by any competent governmental authority; and

(13) To do any or all things, whether or not herein enumerated, that are necessary or proper for the complete exercise of the powers specifically or generally delegated by subparagraphs (6) to (13) of this paragraph (a).

Taxicabs and taxi service. (14) To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, special permits as provided by General Orders ODT 20 (7 F.R. 6906) and ODT 22 (7 F.R. 7206), or as either may be amended hereafter.

Local passenger transportation equipment. (15) To execute and issue, in his discretion, the approvals, recommendations, determinations, authorizations, and special permits contemplated by §§ 501.202, 501.305, 501.306, 501.307, and 501.308 of General Order ODT 35 (8 F.R. 3451), or as hereafter amended: *Provided*, That in respect of equipment or operations in Puerto Rico, the approvals contemplated by said § 501.307 shall be given, and special permits contemplated by said § 501.308 shall be issued, by the Regional Director for Puerto Rico as provided in § 503.10 of this order.

Rental cars. (16) To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, special permits as provided by General Order ODT 26A (8 F.R. 4934), or as hereafter amended.

(17) The authority conferred by subparagraphs (1) to (5) and (6) to (17) of this paragraph (a) may be exercised by such Director through such members of the staff of the Division of Local Transport as he may determine. In addition, the authority delegated by subparagraphs (6) to (14) of this paragraph (a) may be exercised by such Director through such members of the staff of the Division of Motor Transport as he may determine with the approval of the Director, Division of Motor Transport.

§ 503.4 *Division of Railway Transport.* (a) The Director, Division of Railway Transport, Office of Defense Transportation, is authorized and directed as follows:

Coordination of rail-ocean shipping. (1) In addition to the authority conferred by § 502.21 of General Order ODT 12 (7 F.R. 4858), to issue to specified common carriers by railroad such special directions as may be required in connection with the movement of traffic in order to coordinate effectively domestic traffic movements by rail with ocean shipping for the purposes of avoiding or eliminating terminal congestion at port areas and of maintaining a maximum flow of traffic.

(2) To amend, modify, or revoke any such special direction issued by him.

Passenger train operations. (3) To execute and issue, in his discretion, and in the name of the Director of the Office

of Defense Transportation, special permits as provided by General Order ODT 24, as now or hereafter amended, (7 F.R. 7814, 10434).

Movement of traffic in tank cars. (4) To administer the provisions of §§ 502.109, 502.110, 502.113, 502.114, 502.115, 502.116, 502.117, 502.118, 502.119, and 502.121 of General Order ODT 7, Revised, (7 F.R. 10484) as now or hereafter amended, and to issue such directions, instructions and orders, and require such reports, with the approval of the Bureau of the Budget where necessary, as may be required to administer the provisions thereof.

(5) The authority conferred by subparagraphs (1) to (5) of this paragraph (a) may be exercised by said Director through such members of the staff of the Division of Railway Transport as he may determine.

(b) The Associate Director, Eastern Region, Division of Railway Transport, Office of Defense Transportation, is authorized and directed as follows:

Emergency rail service; Eastern Region. (1) To request from rail carriers, in the event of enemy attack through bombing or otherwise, such emergency railroad service in the Eastern Region (including the States of Indiana, Ohio, New York, Pennsylvania, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the southern peninsula of Michigan) as may be necessary or required:

(i) To evacuate civilians from any area, point or place in such region;

(ii) For the transportation of fire apparatus from any point or place to any other point or place in such region;

(iii) For the transportation of injured persons in such region to any point or place for hospitalization;

(iv) For the transportation of food and other vital supplies in such region as may be requested by the Office of Civilian Defense; or

(v) For such other emergency railroad transportation as may be requested by responsible officials of the Office of Civilian Defense.

(2) The authority conferred in subparagraph (1) of this paragraph (b) shall be exercised only at the request of responsible officials or officers of the Office of Civilian Defense, the Department of War, or the Department of the Navy.

(c) The Associate Director, Southern Region, Division of Railway Transport, Office of Defense Transportation, is authorized and directed as follows:

Emergency rail service; Southern Region. (1) To request from rail carriers, in the event of enemy attack through bombing or otherwise, such emergency railroad service in the Southern Region (including the States of Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, that portion of Louisiana east of the Mississippi River, and the District of Columbia), as may be necessary or required:

(i) To evacuate civilians from any area, point, or place in such region;

(ii) For the transportation of fire apparatus from any point or place to any other point or place in such region;

(iii) For the transportation of injured persons in such region to a place of hospitalization;

(iv) For the transportation of food and other vital supplies in such region as may be requested by the Office of Civilian Defense; or

(v) For such other emergency railroad transportation as may be requested by responsible officials of the Office of Civilian Defense.

(2) The authority conferred in subparagraph (1) of this paragraph (c) shall be exercised only at the request of responsible officials or officers of the Office of Civilian Defense, the Department of War, or the Department of the Navy.

(d) The Associate Director, Western Region, Division of Railway Transport, Office of Defense Transportation, is authorized and directed as follows:

Coordination of rail traffic. (1) To coordinate and direct domestic traffic movements over the lines of western carriers by railroad (within and between the States of Washington, Oregon, California, Arizona, Nevada, Utah, Idaho, New Mexico, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, the upper peninsula of Michigan, and all that part of Louisiana west of the Mississippi River), with the objective of preventing possible points of traffic congestion and assuring the orderly and expeditious movement of men, materials and supplies to points of need.

Emergency rail service; Western Region. (2) To request from rail carriers, in the event of enemy attack through bombing or otherwise, such emergency railroad service in the Western Region (including the States of Washington, Oregon, California, Arizona, Nevada, Utah, Idaho, New Mexico, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, the upper peninsula of Michigan, and all that part of Louisiana west of the Mississippi River), as may be necessary or required:

(i) To evacuate civilians from any area, point or place in such region;

(ii) For the transportation of fire apparatus from any point or place to any other point or place in such region;

(iii) For the transportation of injured persons in such region to a place of hospitalization;

(iv) For the transportation of food and other vital supplies in such region as may be requested by the Office of Civilian Defense; or

(v) For such other emergency railroad transportation as may be requested by responsible officials of the Office of Civilian Defense.

(3) The authority conferred in subparagraph (2) of this paragraph (d) shall be exercised only at the request of responsible officials or officers of the Office of Civilian Defense, the Depart-

ment of War, or the Department of the Navy.

(e) The Deputy Associate Director, Western Region, Division of Railway Transport, Office of Defense Transportation, is authorized and directed as follows:

Emergency rail service; Western Region. (1) To request from rail carriers, in the event of enemy attack through bombing or otherwise, such emergency railroad service within his jurisdiction in the Western Region (including the States of Washington, Idaho, Montana, Oregon, California, Nevada, Utah and Arizona), as may be necessary or required:

(i) To evacuate civilians from any area, point, or place in such region;

(ii) For the transportation of fire apparatus from any point or place to any other point or place in such region;

(iii) For the transportation of injured persons in such region to a place of hospitalization;

(iv) For the transportation of food and other vital supplies in such region as may be requested by the Office of Civilian Defense; or

(v) For such other emergency railroad transportation as may be requested by responsible officials of the Office of Civilian Defense.

(2) The authority conferred in subparagraph (1) of this paragraph (e) shall be exercised only at the request of responsible officials or officers of the Office of Civilian Defense, the Department of War, or the Department of the Navy.

§ 503.5 Division of Traffic Movement.

(a) The Director, Division of Traffic Movement, Office of Defense Transportation is authorized and directed as follows:

Merchandise traffic. (1) To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, special permits as provided by General Order ODT 1, as now or hereafter amended, (7 F.R. 3046, 3213, 3753, 9744).

Carload traffic. (2) To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, special permits contemplated by § 500.22 of General Order ODT 18, Revised, as now or hereafter amended, (7 F.R. 8337, 10083).

Movement of traffic in tank cars. (3) To administer the provisions of §§ 502.111, 502.112, 502.120, and 502.122 of General Order ODT 7, Revised, (7 F.R. 10484), or as amended hereafter, and to issue such directions, instructions and designations, establish such symbol train routes, prescribe such schedules and rules, and with the approval of the Bureau of the Budget where necessary, require such reports as may be necessary to administer such provisions.

(4) The authority conferred by subparagraphs (1) to (4) of this paragraph (a) may be exercised by the Director, Division of Traffic Movement, through such staff members of such Division as he may determine.

§ 503.6 Division of Petroleum and Other Liquid Transport. (a) The As-

sociate Director, Tank Car Service Section, Division of Petroleum and Other Liquid Transport, Office of Defense Transportation, is authorized and directed as follows:

Movement of traffic in tank cars. (1) To administer the provisions of §§ 502.102, 502.103, 502.104, 502.105 (with respect to the issuance of special permits only), 502.106, 502.107, and 502.108 of General Order ODT 7, Revised (7 F.R. 10484), or as amended hereafter, and to issue such special permits, directions, instructions, orders and assignments, and with the approval of the Bureau of the Budget where necessary, require such reports as may be necessary to administer the provisions of such sections and to exercise the authority conferred by this subparagraph (1) through such staff members of said Division as he may determine.

§ 503.7 Water transport. (a) The Assistant Director of the Office of Defense Transportation in charge of water transport is authorized and directed as follows:

Movement of liquid cargo in bulk. (1) To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, special permits as provided by General Order ODT 19 (7 F.R. 6499), or as hereafter amended, and to issue such orders as may be necessary to amend, modify, or revoke such special permits.

Movement of coal on the Great Lakes. (2) To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, the special permits as provided in General Order ODT 9, (7 F.R. 3905), or as hereafter amended, and to amend, modify, or revoke such special permits.

Transportation of coal between United States ports on Atlantic Ocean. (3) To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, the special permits and ex-dock permits as provided in General Order ODT 15, Revised (7 F.R. 10487), or as amended hereafter, and to amend, modify, or revoke such special and ex-dock permits.

Operation of vessels on the Great Lakes. (4) To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, the special permits as provided in General Order ODT 25 (7 F.R. 7981), or as amended hereafter, and to amend, modify, or revoke such special permits.

(5) The authority conferred by subparagraphs (1) to (5) of this paragraph (a) may be exercised by the said Assistant Director through such members of the staff of the Office of Defense Transportation as he may from time to time determine.

§ 503.8 Division of Storage. (a) The Director, Division of Storage, Office of Defense Transportation, is authorized and directed as follows:

Contracting Officer. (1) To exercise the powers and authority, and perform the functions delegated to the Office of Defense Transportation by the Office of Lend-Lease Administration.

(2) The said Director is hereby designated as Contracting Officer, and sub-

ject to the approval of the General Counsel in each case, he is authorized, as such Contracting Officer, to sign and execute any contracts, agreements and leases for and on behalf of the United States of America, in pursuance of the authority and functions delegated by the Office of Lend-Lease Administration to the Office of Defense Transportation, and in the performance of the duties and responsibilities resulting from such delegation.

(3) The authority conferred by subparagraphs (1) and (2) of this paragraph (a) may be exercised by said Director through such members of the staff of the Division of Storage as he may from time to time determine.

§ 503.9 *Division of Materials and Equipment.* (a) The Director, Division of Materials and Equipment, Office of Defense Transportation, is authorized and directed, as follows:

Controlled Materials Plan. (1) To distribute allotments of controlled materials received by the Office of Defense Transportation, as contemplated by subparagraph (2), paragraph (c) of § 3175.1 of War Production Board Controlled Materials Plan, Regulation 1, (8 F.R. 2565) as now or hereafter amended, individually or through such Industry Division or Divisions of the War Production Board as may be appropriate.

§ 503.10 *Regional Director for Puerto Rico.* (a) The Regional Director for Puerto Rico of the Office of Defense Transportation is authorized and directed as follows:

Special permits. (1) To execute and issue, in the name of the Director of the Office of Defense Transportation, such special permits, and under such terms and conditions as may be provided for in any general order of the Office of Defense Transportation now or hereafter in effect in Puerto Rico, and, subject to such terms and conditions, to modify, suspend, or terminate any special permit issued by such Regional Director pursuant to the authority conferred by this subparagraph (1).

Certificates of war necessity. (2) To administer the provisions of General Order ODT 34 (8 F.R. 3071), or as hereafter amended, and insofar as relates to his administration thereof, to exercise fully all the powers lawfully vested in the Director of the Office of Defense Transportation;

(3) To issue certificates of war necessity to qualified applicants therefor; to provide application forms therefor; to prescribe the information to be contained therein; and to direct the place of filing thereof;

(4) To determine and certify in such certificates (i) limitations of mileage or of motor fuel, or requirements as to loads, or any one of such limitations or requirements, as provided for in § 501.285 of said General Order ODT 34; (ii) the purposes for which, and the conditions under which, the vehicles covered thereby may be operated; (iii) and from time to time, to determine and specify such other terms and conditions as he may deem necessary or proper to conform

such operations to the purposes of said General Order ODT 34;

(5) To specify the effective date of, and for willful violation of any order of the Office of Defense Transportation, and for other good cause to amend, modify, recall, suspend, cancel or revoke in whole or in part, any such certificate in accordance with law;

(6) To designate accredited representatives of the Office of Defense Transportation to examine and inspect receipts and invoices for the transfer, delivery, mounting or installation of motor fuel, tires, tubes, or parts for commercial motor vehicles;

(7) Subject to the approval of the Bureau of the Budget, to require the keeping and making, and prescribe the manner and form, of necessary records and reports, to designate accredited representatives of the Office of Defense Transportation to examine and inspect such records; and to provide and prescribe forms for reports of enforcement officers.

Local passenger transportation equipment. (8) Subject to the general control and direction of the Director, Division of Local Transport, Office of Defense Transportation, to exercise the authority of the Office of Defense Transportation contemplated in § 501.307 of General Order ODT 35 (3 F.R. 3451), or as hereafter amended, to authorize or approve the use or operation in Puerto Rico of local passenger transportation equipment in a manner otherwise prohibited by said section.

(9) To do any and all things whether or not herein enumerated, that are necessary or proper for the complete exercise of the powers specifically conferred by subparagraphs (2) to (9) of this paragraph (a).

(10) The authority conferred by subparagraphs (2) to (10) of this paragraph (a) may be exercised by the Regional Director for Puerto Rico through such members of his staff, and pursuant to such procedure, as he may determine.

GENERAL

§ 503.50 *Supervision and reservation.* The exercise of the authority hereby conferred shall be subject to the general control and supervision, and the right of modification or revocation in any specific case, except as to contracts negotiated or executed pursuant to subparagraph (2) of paragraph (a) of § 503.8 of this order, of the Director of the Office of Defense Transportation. Notwithstanding any of the provisions of this order, the said Director may, in his discretion, exercise from time to time the authority or perform any of the functions or duties delegated by this order.

§ 503.51 *Revocation.* Any prior delegation of authority conflicting with the authority herein conferred is revoked: *Provided*, That this order shall not be construed as revoking or otherwise affecting any prior delegation of authority contained in any existing general order, special order, supplementary order, or other document heretofore issued and

published by the Office of Defense Transportation.

Issued at Washington, D. C., this 6th day of May 1943.

JOSEPH B. EASTMAN,
Director, Office of
Defense Transportation.

[F. R. Doc. 43-7195; Filed, May 6, 1943; 4:31 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 23—SOUTHWESTERN REGION NATIONAL WILDLIFE REFUGES

FISHING IN WICHITA MOUNTAINS WILDLIFE REFUGE, OKLA.

Pursuant to authority contained in the regulations for the administration of the Wichita Mountains Wildlife Refuge, Oklahoma, dated December 2, 1936, the following is hereby ordered:

§ 23.967a *Wichita Mountains Wildlife Refuge, Oklahoma; fishing.* Noncommercial fishing is permitted in the Wichita Mountains Wildlife Refuge, Oklahoma, from May 16 to the first Monday in September (Labor Day), inclusive, of each year, during the daylight hours, in waters specified herein, in accordance with the provisions of the Regulations for the Administration of the Wichita Mountains Wildlife Refuge dated December 2, 1936 (1 F.R. 2397), and subject to the following conditions, restrictions, and requirements:

(a) *Waters open to fishing.* The following waters of the refuge are hereby designated as areas open to fishing, and fishing on any other waters of the refuge will not be permitted: Caddo Lake, West Post Oak Lake, Treasure Lake, French Lake, all the lakes known as Fish Lakes on West Cache and Turkey Creeks from French Lake to Lost Lake, Lost Lake, West Cache Creek from Lost Lake south to the refuge boundary fence, Jed Johnson Lake, that part of Rush Lake east of the big-game fence, Little Medicine Creek within the refuge boundaries, that part of Elmer Thomas Lake within the refuge boundary, and Crater, Osage, Quanah Parker, and Burford Lakes together with the streams flowing south therefrom to the refuge boundary fence.

(b) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Oklahoma. Fishing under this regulation shall be by hook and line (including rod and reel) only, as defined by State law, and the use of trot and set lines and other similar contrivances is prohibited. The regulations governing the size or length of fish caught and the number that may be taken each day must be complied with by persons fishing within the refuge. Any person who fishes in any of the aforesaid waters under the aforesaid conditions must be in possession of a valid fishing license issued to him in accordance with the provisions of the laws of the State

of Oklahoma, if such license is required, which shall serve as a Federal permit for fishing in said waters. Said license must be carried on his person when the permittee exercises the privilege of fishing in said waters and must be exhibited upon request of any Federal or State officer authorized to enforce Federal or State fishing laws or regulations, or laws and regulations applicable to the refuge.

(d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated from time to time by suitable posting by the officer in charge of the refuge.

(e) *Use of boats.* The use of boats or floating devices of any description is prohibited on all waters of the refuge except for official purposes by the Oklahoma State Game and Fish Commission and by representatives of the Fish and Wildlife Service authorized to enforce the laws and regulations applicable to fishing in Oklahoma.

(f) *Live bait.* No person shall use live bait while fishing in any of the waters of the refuge, and no one may have in his possession within the boundaries of the refuge any live minnows or any seine or net that may be used in capturing minnows.

(g) *Temporary restrictions.* During periods of waterfowl concentrations on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

(h) *Revocation of previous regulations.* The regulation, as amended, governing fishing on the Wichita Mountains Wildlife Refuge, Oklahoma, approved by the Acting Chief of the Bureau of Biological Survey on May 25, 1939 (4 F.R. 2198), is hereby revoked.

ALBERT M. DAY,
Acting Director.

MAY 1, 1943.

[F. R. Doc. 43-7213; Filed, May 7, 1943;
9:36 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Public Land Order 114]

NEVADA

PARTIAL REVOCATION OF ORDER WITHDRAWING CERTAIN LANDS FOR USE OF WAR DEPARTMENT

Revoking in part Executive Order No. 8954 of November 27, 1941, withdrawing public lands for use of the War Department.

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942; *It is ordered*, As follows:

Executive Order No. 8954 of November 27, 1941, withdrawing certain public lands for the use of the War Department

as machine gun ranges, is hereby revoked so far as it affects the public lands in the following-described areas:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 62 E.,
Sec. 1, E½ sec. 11, secs. 12 to 14, inclusive,
secs. 24, 25 and 36.

T. 20 S., R. 63 E.,
W½ sec. 2, secs. 3 to 5, inclusive,
S½S½ sec. 6, secs. 7 to 10, inclusive,
W½ sec. 11, W½ sec. 14, secs. 15 to 22,
inclusive, W½ sec. 23, W½ sec. 26, secs.
27 to 34, inclusive, and W½ sec. 35,
unsurveyed.

The areas described, including both public and non-public lands, aggregate 21,600 acres.

HAROLD L. ICKES,
Secretary of the Interior.

APRIL 22, 1943.

[F. R. Doc. 43-7209; Filed, May 7, 1943;
9:36 a. m.]

[Public Land Order 115]

WYOMING

REVOCATION OF ORDER WITHDRAWING CERTAIN LANDS FOR FEDERAL GAME REFUGE

Revoking Executive Order No. 4338 of November 10, 1925.

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U.S.C., title 43, sec. 141), and pursuant to Executive Order No. 9146 of April 24, 1942: *It is ordered*, As follows:

Executive Order No. 4338 of November 10, 1925, withdrawing certain public lands in Tps. 43 and 44 N., R. 75 W., Sixth Principal Meridian, Wyoming, pending determination as to their suitability for a Federal game refuge, is hereby revoked.

HAROLD L. ICKES,
Secretary of the Interior.

APRIL 26, 1943.

[F. R. Doc. 43-7210; Filed, May 7, 1943;
9:36 a. m.]

[Public Land Order 116]

CALIFORNIA

ORDER WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT FOR AIRPORT PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 3 of the act of June 17, 1902, 32 Stat. 388 (U. S. C., title 43, sec. 416): *It is ordered*, As follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for airport purposes:

SAN BERNARDINO MERIDIAN

T. 8 N., R. 23 E., sec. 19, N½NE¼.
The area described contains 80 acres.

The order of October 16, 1931, of the Secretary of the Interior, withdrawing certain lands for reclamation purposes, is hereby modified to the extent necessary

to permit the use of the land as herein provided.

Upon expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647), this order shall become ineffective upon notice to the Secretary of War that the land is needed for reclamation purposes. Upon termination of the use of the land by the War Department, that Department will, at its expense, remove any buildings or structures placed by it upon the land.

HAROLD L. ICKES,
Secretary of the Interior.

APRIL 26, 1943.

[F. R. Doc. 43-7211; Filed, May 7, 1943;
9:36 a. m.]

[Public Land Order 117]

OREGON

REVOCATION OF ORDER WITHDRAWING LAND FOR RANGER STATION

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U.S.C., title 43, sec. 141), and pursuant to Executive Order No. 9146 of April 24, 1942: *It is ordered*, As follows:

Executive Order No. 5928 of September 29, 1932, withdrawing and reserving public land for use by the Forest Service as a ranger station in connection with the administration of the Deschutes National Forest, is hereby revoked.

HAROLD L. ICKES,
Secretary of the Interior.

APRIL 27, 1943.

[F. R. Doc. 43-7212; Filed, May 7, 1943;
9:36 a. m.]

Office of the Secretary.

SOLID FUELS ADMINISTRATOR FOR WAR AND DEPUTY SOLID FUELS ADMINISTRATOR FOR WAR

DELEGATION OF AUTHORITY

MAY 6, 1943.

Order No. 1807 (8 F.R. 5767), signed by me on May 1, 1943, is hereby amended to read as follows:

Pursuant to the provisions of Executive Order No. 9340 of May 1, 1943, 8 F.R. 5695, the Solid Fuels Administrator for War, and the Deputy Solid Fuels Administrator for War subject to such supervision and direction as the Administrator shall from time to time determine, are hereby authorized to exercise any and all power, authority and discretion conferred upon the Secretary of the Interior, with respect to all coal mines possession of which has been taken by him, to the same extent and with the same effect as the said power, authority and discretion may be exercised directly by the Secretary of the Interior.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-7190; Filed, May 6, 1943;
2:40 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 695]

WESTERN AIR LINES, INC.

AMENDMENT TO NOTICE OF HEARING

In the matter of the petition of Western Air Lines, Inc., for an order fixing the fair and reasonable rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over routes Nos. 13, 19, and 52.

Notice is hereby given that hearing in the above-entitled proceeding to be held May 18, 1943, 10 a. m. (eastern war time) will convene in the Foyer of the Commerce Building Auditorium, 14th Street and Constitution Ave., NW., Washington, D. C.

Dated Washington, D. C., May 7, 1943.
By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-7216; Filed, May 7, 1943;
11:43 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4957]

ATLANTIC CITY WHOLESALE DRUG CO., ET AL

COMPLAINT AND NOTICE OF HEARING

In the matter of Atlantic City Wholesale Drug Company, a corporation; Roy H. Cochran, individually and as President of Atlantic City Wholesale Drug Company; Rodney S. Pullen, Jr., individually and as Sales and Advertising Manager of Atlantic City Wholesale Drug Company.

Complaint

The Federal Trade Commission having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of section 2 of the Clayton Act, as amended by the Robinson-Patman Act approved June 19, 1936 (U. S. C. Title 15, sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. The respondent Atlantic City Wholesale Drug Company is a corporation organized and existing under the laws of the State of New Jersey, having its office and principal place of business in the Boardwalk National Arcade Building, Atlantic City, New Jersey.

The individual respondent Roy H. Cochran is president of the respondent corporation, and is now, and for the last several years has been, in active and direct charge of the management and operation of said respondent corporation.

The individual respondent Rodney S. Pullen, Jr., is now, and was during several periods of time since June 19, 1936, actively engaged with Roy H. Cochran in the operation of the respondent corporation, and for a period of such time was Sales and Advertising Manager of the respondent corporation.

PAR. 2. The respondent corporation, with the active cooperation, aid and assistance of the individual respondents, is now and has been since June 19, 1936, engaged in the wholesale drug business and has bought, sold and distributed in interstate commerce, drugs, cosmetics and other merchandise for its own account, and during this period of time, in the course and conduct of said business, has been in substantial competition with other corporations, individuals, partnerships and firms similarly engaged in the business of buying, selling and distributing drugs, cosmetics and other merchandise in interstate commerce.

PAR. 3. Each of the respondents and the competitors of respondents buy said drugs, cosmetics and other merchandise from a large number of manufacturers, jobbers, importers and distributors (hereinafter called sellers), located in the various states of the United States. Each of said sellers sells and distributes drugs, cosmetics, or other merchandise in commerce between and among the various states of the United States and the District of Columbia and cause said drugs, cosmetics and other merchandise to be shipped and transported from their respective places of business in the various states of the United States to the respondent corporation at its principal place of business in Atlantic City, New Jersey, and to competitors of said respondent and to competitors' customers located in various states of the United States and the District of Columbia. The respondents and the respondents' competitors resell and distribute said drugs, cosmetics and other merchandise in commerce between and among the various states of the United States and the District of Columbia.

PAR. 4. The respondent corporation, since June 19, 1936, with the active cooperation, aid and assistance of the individual respondents, has adopted, followed and pursued purchasing policies and practices which were knowingly designed and intended to induce, and did induce, discriminatory prices favorable to the respondent corporation in its purchases of said drugs, cosmetics and other merchandise.

The parties respondent, pursuant to and in furtherance of said purchasing policy and practices, have caused a magazine to be published, first under the trade name of Shore Topics, the name of which was thereafter changed to the Boardwalker (both of the magazines are hereinafter referred to as the magazine). The magazine has been issued under one name or the other at irregular intervals, but usually twelve issues are published each year. The publication of the aforesaid magazines is not an independent business operated in good faith on a profit basis, but is a subterfuge, knowingly designed and operated solely as an incident to the wholesale drug business and operated by the respondents primarily as an instrument for obtaining discriminations in prices on drugs, cosmetics and other merchandise.

Since June 19, 1936, numerous sellers have been induced, and are being induced, to enter into contracts or agreements authorizing advertisements to be

inserted in the magazine, which contracts or agreements either provide, or it is so understood and so carried out, that the charges made for said advertisements shall be credited on the purchase price of the drugs, cosmetics and other merchandise purchased by the respondent corporation from such sellers. The respondents refuse to purchase said drugs, cosmetics or other merchandise from said sellers unless such sellers purchase advertising in its magazine and all, or a very large percentage, of the drug, cosmetics and other merchandise purchased by respondents is purchased only from sellers who advertise in respondents' magazine. The respondent corporation, with the cooperation, aid and assistance of the individual respondents, receives information as to the prices paid by its competitors to said sellers for said drugs, cosmetics or other merchandise and knowingly induces said sellers to grant it substantially lower and discriminatory prices by refusing to purchase said drugs, cosmetics or other merchandise from said sellers unless said sellers pay to respondent corporation a substantial portion of the regular purchase prices of said merchandise for advertising in respondents' magazine.

The discriminations in price which favor the respondents are not uniform on all drugs, cosmetics or other merchandise purchased, or from each seller, varying either with drugs, cosmetics and other merchandise, or with the sellers. As a result, the respondents pay said sellers from approximately twenty percent to approximately forty percent less than respondents' competitors pay said sellers for drugs, cosmetics and other merchandise of like grade and quality. The magazine had no real value as an advertising medium and there were no substantial benefits and considerations accruing to sellers who enter into contracts for such advertising with the respondents and who agree to pay and do pay respondents, directly or indirectly, for such advertising or by granting and allowing credits, discounts and allowances to the respondents on respondents' purchases of drugs, cosmetics and other merchandise.

PAR. 5. The effect of said discriminations in price, as set forth above, may be substantially to lessen competition, in the line of commerce in which the respondents and their competitors are engaged, and to injure, destroy, or prevent competition with respondents, in the resale of said drugs, cosmetics and other merchandise of like grade and quality purchased from said sellers.

PAR. 6. The foregoing alleged acts of each of said respondents are a violation of section 2 (f) of the said Act of Congress approved June 19, 1936, entitled "An Act to amend section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 18, 1914, as amended (U.S.C. Title 15, sec. 13) and for other purposes."

Wherefore, the premises considered, the Federal Trade Commission on this 3rd day of May, A. D. 1943, issues its complaint against said respondents.

Notice

Notice is hereby given you, Atlantic City Wholesale Drug Company, a corporation, Roy H. Cochran, individually and as president of Atlantic City Wholesale Drug Company, and Rodney S. Pullen, Jr., individually and as Sales and Advertising Manager of Atlantic City Wholesale Drug Company, respondents herein, that the 11th day of June A. D., 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provides as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and

its official seal to be hereto affixed at Washington, D. C., this 3d day of May, A. D. 1943.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-7215; Filed, May 7, 1943;
11:20 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[General Order 51]

REGIONAL OFFICES

AUTHORIZATION TO FIX COMMUNITY CEILING PRICES

Authorization to Regional Offices and to such offices as may be authorized by Regional Offices to fix community (dollars-and-cents) ceiling prices.

A statement of the reasons involved in the issuance of this general order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, Executive Order No. 9250, and Executive Order No. 9328, it is hereby ordered:

(a) *Authority to fix community (dollars-and-cents) ceiling prices for food items—(1) Sales at retail.* Any regional office of the Office of Price Administration, and such other offices as may be authorized by the appropriate regional office, may, for sales at retail of any food item in any area or locality within its jurisdiction, fix community (dollars-and-cents) ceiling prices or other dollars-and-cents ceiling prices for particular classes of sellers. No seller, except a "retail route seller", may charge more than the community ceiling prices. Retail route sellers may continue to charge their present ceiling prices. The community ceiling prices shall be the only ceiling prices for such food items for "Class 1 retail stores". All other sellers must continue to charge any lower ceiling prices established by any other applicable price regulations, unless the order specifically fixes a different ceiling price for these sellers.

(2) *Other sales.* Any regional office of the Office of Price Administration and such other offices as may be authorized by the appropriate regional office, may by order fix ceiling prices for sales, other than at retail, of any food item in any area or locality within its jurisdiction. These ceiling prices, when fixed, will replace the ceiling prices theretofore established for such sales.

(3) *Areas included in more than one district.* If the area for which it is deemed appropriate to fix community ceiling prices lies within the jurisdiction of more than one district office of the Office of Price Administration, the district office for the district in which the majority of the retail stores to be covered by the order is located shall have authority to issue an order fixing community ceiling prices for all sellers in the marketing area.

(4) *Request for community ceiling price.* If an office issues an order fixing a community ceiling price for a food item, naming the brand of the item being priced, the office shall fix a community ceiling price for any other brand of the same food upon the request of the producer, distributor or any other seller of that brand in the area or locality, provided the request is accompanied by a showing of a reasonable volume of sales in the area or locality.

(b) *Publication of prices.* Any office issuing an order under the authority of this general order shall, at least one day before the effective date of such order, cause the order to be published in a newspaper having general circulation in the area or locality affected.

(c) *Posting—(1) Selling prices.* All retail stores must post their selling prices for any food items for which community ceiling prices are fixed by any order issued hereunder either on the item or at or near the place where the item is offered for sale.

(2) *Ceiling prices.* All Class 1 retail stores must also post, in a conspicuous place in the store, a list of the community ceiling prices for such food items, when such list is supplied by the Office of Price Administration. Other retailers must continue to post ceiling prices as required by any other applicable regulation fixing their ceiling prices.

(3) *Class of store.* All retail stores selling any food items must post the class their store is in, as determined in accordance with the provisions of Revised Maximum Price Regulations Nos. 238 and 268, on a sign reading "OPA-1", "OPA-2", "OPA-3", or "OPA-4" whichever applies, so that it can be clearly seen by their customers.

(d) *Taxes.* Any tax upon or incident to a sale of any food item covered by any order issued pursuant to this general order, which the statute or ordinance imposing the tax does not prohibit the seller from stating and collecting separately from the selling price, may be collected by the seller in addition to his selling price if he states the tax separately.

(e) *Mail order sales.* Any person making mail order sales of any food item for which a community price is established, may add to such community price, his actual express charge or postage to the purchaser's address.

(f) *Indirect price increases.* No seller shall evade any of the provisions of any order issued pursuant to this general order by any stratagem, scheme or device. He must not, as a condition of selling any food, require a customer to buy anything else.

(g) *Sales slips and receipts.* All persons selling food items at retail must, if they have customarily given a sales slip, receipt or similar evidence of purchase, continue to do so. Furthermore, regardless of custom, they must give any customer who asks for it a receipt showing the date of the sale, the name and address of the person selling at retail, the customer's name, each food item sold, and the price charged for the item.

(h) *Licensing and registration.* The licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation shall apply to every person making sales at retail or sales at wholesale subject to any order issued pursuant to this general order. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail and at wholesale commodities for which ceiling prices are established. A license is automatically granted. It is not necessary to apply for the license, but all sellers may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which ceiling prices are established. No person whose license is suspended may sell any such commodity during the period of suspension.

(i) *Prohibitions.* On and after the effective date of any order issued pursuant to this general order, all persons who sell at a price higher than the ceiling price fixed by such order, or otherwise violate any provisions of this general order or any order issued pursuant to it shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person who, in the course of trade or business, buys at a price higher than the ceiling price fixed by any order issued pursuant to this general order, is subject to the criminal penalties and civil enforcement actions provided for by that Act.

(j) *Force and effect of orders.* Any order issued or action taken in accordance with this general order shall have the same force and effect as if issued or taken by the Price Administrator.

(k) *Authority of local war price and rationing boards.* Each regional administrator, or each district manager as may be authorized, may instruct any or all of the war price and rationing boards in the Region or District to receive complaints from the public, investigate prices charged by sellers covered under

any order issued pursuant to this general order, hold hearings either on complaint or on its own motion, and make appropriate recommendations to its district office.

(l) *Geographical applicability.* This order applies to the United States including the District of Columbia, but not to its territories and possessions.

(m) *Definitions.* (1) "Class 1 retail store" shall be as defined in Revised Maximum Price Regulations Nos. 238 and 268 and determined in accordance with the provisions of those regulations. The definition of this class is as follows: "Class 1 retail store" is an "independent" retail store with annual gross sales of less than \$50,000. A retail store shall be an "independent" retail store if it is not one of a group of 4 or more stores under one ownership whose combined "annual gross sales" are \$500,000 or more.

(2) "Sale at retail" means a sale to an ultimate consumer other than to a commercial, industrial, or institutional user.

(3) "Retail route seller" shall mean a retailer who sells foods at retail from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer is a "retail route seller" only for the foods he sells in this way.

This general order shall become effective the 6th day of May 1943.

Issued this 6th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7201; Filed, May 6, 1943;
4:49 p. m.]

[Order 340 Under MPR 188]

NU-TONE, INC.

APPROVAL OF A MAXIMUM PRICE

Order No. 340 under § 1499.158 of
Maximum Price Regulation No. 188—
Manufacturers' Maximum Prices for

Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, It is ordered:

(a) Nu-Tone, Inc., Third and Eggleston Avenue, Cincinnati, Ohio, may sell and deliver its new wooden garbage can designated in its application as "step-on," at a price no higher than \$2.40 per unit, f. o. b. Cincinnati, Ohio, subject to discounts, allowances and terms no less favorable than those customarily granted by it.

(b) This Order No. 340 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 340 shall become effective on the 7th day of May 1943.

Issued this 6th day of May 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-7202; Filed, May 6, 1943;
4:50 p. m.]

WAR PRODUCTION BOARD.

[Revocation of Supplementary Order P-31-a]

MATERIALS FOR THE PRODUCTION OF
FOUNDRY EQUIPMENT AND REPAIR PARTS

Supplementary Order P-31-a is hereby
revoked.

Issued this 7th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-7222; Filed, May 7, 1943;
11:49 a. m.]

